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IN THE MATTER OF The Public Inquiries Act, being Chapter 258 of The Revised Statutes of Alberta, 1955, and Amendments thereto; and,

IN THE MATTER OF an Inquiry by a Royal Commission into the matters set out in Order-in-Council 861/67 respecting the use or attempted use by the Honourable Alfred J. Hooke of his office as a member of the Executive Council of Alberta, and the use or attempted use by Edgar W. Hinman of his office as a member of the Executive Council of Alberta.

PROCEEDINGS BEFORE THE HONOURABLE MR. JUSTICE W. J. C. KIRBY

C. W. CLEMENT, Esq., Q.C.,	Commission Counsel
S. A. FRIEDMAN, Esq., Q.C.,	Departments of Government
S. H. McCUAIG, Esq., Q.C.	E. W. Hinman, Esq.
L. MAYNARD, Esq., Q.C.,	The Honourable Alfred J. Hooke
W. B. GILL, Esq., Q.C.,	G. A. Turcott, Esq.
	Mr. Neil Reimer
G. A. C. STEER, Esq., Q.C.	Dr. C. A. Allard
D. H. BOWEN, Esq., Q.C.	Liberal Association of Alberta
N. S. CRAWFORD, Esq., and	Progressive Conservative Party of
J. D. HILL, Esq.	Alberta
G. S. D. Wright, Esq.	Alberta New Democratic Party

W. ALAN SHORT, ESQ.,
Clerk to the Commission.

VOLUME No. 4

DATE September 14, 1967

(Pages 276 - 390)

Supreme Court Reporters

EDMONTON, ALBERTA

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R. Norman Giffen - Clement Ex.

PROCEEDINGS before The Honourable
Mr. Justice W. J.C. Kirby, this
14th day of September, A.D. 1967, at
9:00 o'clock in the morning, at the
Court House, in the City of Edmonton,
Province of Alberta

Q MR. CLEMENT: Mr. Giffen, you are still under oath
for the purpose of this inquiry?

A Yes.

Q You mentioned to me Mr. Giffen that in respect of the
record of the meeting of December 5th, was it?

A December 12th, of the Commission.

Q Yes, December 12th, there was a passage that you had not
read to Mr. Commissioner. Perhaps you could deal with that
now, it has some relevancy?

A This is a quote from the Minutes of December 12th.

" The Chairman then informed the Commissioner that
Mr. Dant desired to introduce a motion dealing with
the question of satellite towns in the district planning
area, notice of this motion having been given by Mr.
Dant at the meeting of the Commission held on October
3rd last. Mr. Dant then proceeded to read his motion
which was as follows: -

In view of the fact that we, as planners, must
look well ahead into the future and must be able
to cope with the severe growth trend which shows
little evidence of abatement, except under
artificial circumstances; and in view of the fact
that we wish and need to create within the

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R. Norman Giffen - Clement Ex.

A (cont.) "boundaries of the district area a unit of balance between distribution of population and resources, rural and urban uses, adequate communications and good detailed design; and in view of the fact that the work now should not be wholly confined to those complex problems immediately surrounding the City limits and adjoining municipalities thereto; and in view of the fact that the principles of satellite growth have been accepted and concretely implemented in such countries as Great Britain and the United States, I move that without delay the District Planning Commission goes on record as concurring with the concept of satellite towns within the district planning area as being a reasonable and logical solution to those complex urban and regional problems stemming from over-population and over-development of an urban agglomeration such as is being built up around Edmonton city now; and that the technicians associated with this Commission bring in a full report to the Commission on this problem embracing general principles of satellite growth, proposed selected sites for satellite towns and suggested tentative legislation to make such satellite towns a reality with the view to ultimately recommending to the Provincial Government department responsible for such function for consideration of such report

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R. Norman Giffen - Clement Ex.

Q (cont.) "and/or plans or schemes illustrating same as may be deemed fit to cope with future growths within our particular territory."

That is the end of the motion.

Q MR. CLEMENT: Then I believe Mr. Giffen that you have found a document being what might be called a critique of Mr. Plotkin's special report which has already been referred to?

A That is correct.

Q And that was prepared by Mr. John Campbell?

A Yes. This is addressed to Mr. Holloway who was Chairman of the Commission that time, dated December 27th, 1951.

Q Yes. Mr. Commissioner the fact that such a critique was made is perhaps a relevant circumstance but the contents of the critique perhaps aren't of themselves useful to explore. However if my friends wish it to be put in as an Exhibit I will do so.

MR. GILL: I have no wish to have it put in, My Lord.

MR. MAYNARD: Mr. Commissioner, I suggest it be filed for whatever value there is in the report.

THE COMMISSIONER: All right, we will admit it in as Exhibit 164.

CRITIQUE DATED DECEMBER 27th, 1951
ENTERED AS EXHIBIT 164.

Q MR. CLEMENT: Is this a document that you can spare for a while and be returned to you at the end of the

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R. Norman Giffen - Clement Ex.

Q (cont.) Commission?

A Yes.

Q Thank you, I will ask Mr. Short to attend to that when matters are finished.

Now then Mr. Giffen would you take us to the next episode in the development of Campbelltown as far as the records of the Commission go?

A Well, I would just like to point out that I was just finishing the Minutes of the special committee on January 16th.

Q That is right, you haven't quite finished those?

A And I have found in the file a copy of those Minutes. Would you want them also?

Q If that is a spare copy it would be very grateful and would save difficulties in transcription.

A I think we had got to the point where I was talking about the six points on satellite towns.

Q Yes, I don't think these Minutes were put in as evidence yet, were they?

A No.

THE COMMISSIONER: What date is that?

Q MR. CLEMENT: These are Minutes of a meeting of January 15th, 1952 concerning a further report.

THE COMMISSIONER: Yes, we put them in as 163.

MR. CLEMENT: I noted that 163 was a report of January 15th.

THE COMMISSIONER: Oh yes, that is a report, that's correct,

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R. Norman Giffen - Clement Ex.

THE COMMISSIONER: (cont.) that is a report of the committee.

MR. CLEMENT: Yes. Well I have noted it as a report, actually it is Minutes of a meeting of January 15th in which a report was made.

THE COMMISSIONER: Yes, and this is the difference.

MR. CLEMENT: No, this is the same thing sir and we could perhaps substitute this which is a full text for the excerpts which I believe -- just a moment, I will have to compare these.

THE COMMISSIONER: If you have an extra original you could just substitute that for 163 if it is identical.

MR. CLEMENT: This is not in the nature of an original, the signatures are typed rather than signed.

THE COMMISSIONER: Well then, our photostatic copy is just as good.

MR. CLEMENT: I think the photostatic copy is probably better. I might annex to Exhibit 163 the supplementary material which accompanies the extra copy Mr. Giffen has just furnished me.

THE COMMISSIONER: Yes.

MR. CLEMENT: And then it will be complete. Thank you Mr. Giffen. Well then to proceed Mr. Giffen there was a little further of that report that you wish to refer to, those Minutes?

A I hadn't finished reading the Minutes, if you wish me to read them, fine. It would be page five, just above the

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R. Norman Giffen - Clement Ex.

A (cont.) signatures, it was the area of what can constitute a satellite city, points one to six.

Q Yes, I think that these which are concepts of the Commission we might just pass over and perhaps you can read into the record the part close to the bottom which commences "The application of the stated principles --"?

A " The application of the stated principles in the area with which we are concerned requires two closely related investigations. First we will have to know precisely where along the Saskatchewan River new industries will locate. This knowledge will come partly from the Department of Economic Affairs, partly from an analysis of the industrial prospects arising out of the existing industrial patterns and partly from an analysis on land resources adjacent to the river and all other factors which affect industrial locations. Secondly having acquired this information a very close examination should be made of the area in the vicinity of the projected industry for the purposes of finding the most suitable sites for properly constituted satellite towns. The concluding opinion of the committee was that Mr. Campbell and his backers should be contacted with a view to having them participate with the Commission in locating a townsite elsewhere in the general area, the townsite to be planned comprehensively and in better relationship to

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R. Norman Giffen - Clement Ex.

A (cont.)

"the probable future needs."

Q MR. CLEMENT: And then it is signed by Mr. Holloway,
Mr. Dant --

A Mr. Lash.

Q And others of the Commission?

A Yes.

Q Thank you. Then, that was the meeting of the special
committee of January 15th. What transpired after that
according to the records of the Commission?

A On January 16th there was a meeting of the Commission in
which a report of the special committee was considered.

Q And who were in attendance at that meeting?

A Mr. Holloway, Mr. Lash, Mr. Swan, Mr. Dant, Mr. Zeiner
do you want me to identify them as to who they represent?

Q No, just proceed?

A Mr. Evjen , Mr. Moyer, Mr. Payne, Mr. Rocque, Mr. Stone,
Mr. Reynar substituting for Mr. Johns and Mr. Soetaert.

Q And then at that meeting what was determined in respect of
the special report of January 15th?

A This is a fairly lengthy document, sir.

Q All dealing with this one subject?

A It starts on page three, page four and goes through to --

Q It refers to a paragraph on page five. Could you inform
Mr. Commissioner the substance of what transpired?

A I will quote from the Minutes on page four dealing with --

MR. MAYNARD: What date is that?

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R. Norman Giffen - Clement Ex.

Q MR. CLEMENT: January 16th, 1962.

A The last two paragraphs of the discussion I think I will give the nub of it.

" Mr. Dant requested the Chairman's permission to refer back to the motion which has been submitted by him at the meeting of the Commission held on December 12th last and which dealt with the Commission's concept of satellite towns. Mr. Dant reminded the members that the first portion of his motion only had been adopted at the meeting in question in consideration of the latter portion having been deferred until such time as the report of the special committee which met on October 16th last had been dealt with. The report in question having been adopted by the Commission at the meeting held on January 5th last he now felt that the second part of his motion should be reconsidered and that this would be the appropriate time for such a reconsideration. After short discussion during which general agreement with Mr. Dant suggestion was apparent, Mr. Dant moved the second part of his original motion as submitted at the December 12th meeting be now adopted and the motion in question read as follows:

That the technicians associated with this Commission bring in a full report to the Commission on this problem embracing general principles of satellite growth, proposed selected sites of satellite towns

1-P-9

R. Norman Giffen - Clement Ex.

Q (cont.) "and suggested tentative legislation to make such satellite towns a reality with a view to ultimately recommending to the Provincial Government department responsible for such function for consideration of such report and/or plans or schemes illustrating same as may be deemed fit to cope with future growth within our particular territory. Upon being seconded by Mr. Soetaert, Mr. Dant's motion was carried."

1-B-1

R. N. Giffen - Clement Ex.

Q Yes, and that concluded the business relating to Campbelltown as far as that meeting is concerned?

A Yes. There was a letter sent to Mr. Campbell on January 17th 1952 indicating that approval was inadvisable.

Q Do you have a copy of that letter?

A I think so.

Q You would like to have this back in due course, Mr. Giffen?

A Yes.

Q May I have this marked, sir; a letter from the Chairman of the Planning Commission, Edmonton District Planning Commission, to Mr. Campbell, dated January 17th 1952. And what might be called the punch-line of this rather lengthy letter is:

"I regret to advise that the Commission could not see its way clear to approve this project in the location proposed."

THE COMMISSIONER: Exhibit 165.

LETTER FROM THE EDMONTON DISTRICT
PLANNING COMMISSION TO CAMPBELL,
JANUARY 17th, 1952, AS PRODUCED,
MARKED EXHIBIT 165.

Q MR. CLEMENT: And then what course did the matter take from then on as far as the Commission was concerned?

A There was a report which was prepared by Mr. Holloway on the basis of an investigation carried out by Mr. Holloway and two members of staff regarding the Section 27.

Q Mr. Holloway, as I recall it, you said was in the Civil

1-B-2

R. N. Giffen - Clement Ex.

Q (cont.) Service of the Department of Public Works?

A Yes, he was a representative on the Commission at that time representing Public Works.

Q Yes?

A I must say that the Holloway report in total is not, does not seem to be in our file. We have only a Committee excerpt, that is in the minutes of the Committee there is an excerpt from this report.

Q Well, perhaps you could produce that, Mr. Giffen, and read it into the record then? Would you do that if that is the best evidence that is available.

A This is a report of a meeting of the Executive Committee of the Edmonton District Planning Commission held on July 24th 1953, which is -

Q Some time later?

A - some time later, but it does make mention, there is a paragraph which sums up or at least gives the concluding paragraph of Mr. Holloway's report.

Q If you could read that into the record then I think we will make it an Exhibit, Mr. Giffen?

A "The members for Strathcona called attention to a letter written by Mr. J. H. Holloway in July, 1952, following an inspection made by himself, Messrs. Plotkin and Makale, which ended with the following paragraph:

" In my opinion, the proposed development of a townsite in Section 27 would be feasible,

1-B-3

R. N. Giffen - Clement Ex.

A (cont.) economical and consistent with the Commission's planning policy, provided that the two related problems of water supply and zoning control in the surrounding area are appropriately dealt with at the same time and in conjunction with it. This might preferably be done by treating the three features, townsite, water supply and zoning control, together with such other allied matters as access road improvements, in the unified form of an official scheme, appropriately planned and duly approved under the provisions of Section 12 to 21 of The Town and Rural Planning Act."

Q And was action taken on that?

A The Commission, as far as I can determine from the minutes, received this as information. They did not give it approval. However, there was some, I believe that the M.D. of Strathcona was of the opinion that the Commission had given approval to this report.

Q But the records do not show any positive action one way or the other?

A Not at this time.

Q Not at this time.

THE COMMISSIONER: Exhibit 166.

REPORT OF EXECUTIVE COMMITTEE,
JULY 24th 1953, AS PRODUCED,
MARKED EXHIBIT 166.

MR. CLEMENT: Exhibit 166 is a report of a meeting of the Executive Committee held July 24th 1953, the Edmonton

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R. N. Giffen - Clement Ex.

MR. CLEMENT: (cont.) District Planning Commission.

Q MR. CLEMENT: Then what was the progress of events after that?

A I have a letter which was also, a letter regarding a letter sent to Mr. D. Roberts, Secretary-Treasurer of the M.D. of Strathcona by Mr. William Hewlett, who was the Secretary-Treasurer of the Commission at that time.

Q Yes?

A It is "re Proposed Townsite, Section 27,52,23, West of the 4th.

"Dear Sir -"

THE COMMISSIONER: And the date?

A I am sorry, July 17th 1952.

"The possibility of urban development on the above property has now been under discussion for some little while and, since it would appear that your Municipal Council views with favour the establishment of a small town on this land, some thought should be given as to the next steps to take in this direction.

We are informed that a project of this scale will need to be referred to the Provincial Planning Advisory Board, and it is, therefore, suggested that your municipality recommend Mr. Campbell to apply to the Director of Town Planning to have his proposals brought before that body for consideration."

And a copy of this letter was sent to Mr. Lash, the Director of Town and Rural Planning, and a copy was sent to Mr.

1-B-5

R. N. Giffen - Clement Ex.

A (cont.) John H. Campbell.

Q That was July of 1952?

A That is correct, that report as I told you is out of sequence.

Q Yes?

A It is the only indication we have of Mr. Holloway's report which was made in '52.

Q Oh, yes, yes, and ultimately was dealt with or merely -

A Recognized in '53.

Q - recognized in 1953?

A Yes.

Q A letter of July 17th 1952, sir, from the secretary-treasurer of the Edmonton District Planning Commission to the secretary-treasurer of the M.D. of Strathcona?

THE COMMISSIONER: Exhibit 167.

LETTER, JULY 17th, 1952, HEWLETT TO
ROBERTS, MARKED EXHIBIT 167.

Q MR. CLEMENT: Well, then, as far as your records are concerned we are up to July of 1953 Mr. Giffen?

A Actually we are up to July 1952.

Q Well -

A That is we had reached that point in the consideration of the townsite plan where the Commission has recommended that it be forwarded to the Provincial Planning Advisory Board for consideration.

Q Well, yes, all right. Mr. Campbell had been notified that the Commission did not approve of his project at its

1-B-6

R. N. Giffen - Clement Ex.

Q (cont.) location?

A That's right.

Q At its proposed location, and then the letter was written suggesting the matter might be taken to the Provincial Planning Advisory Board?

A Yes.

Q And as far as the Edmonton District Planning Commission is concerned, what happened from then on?

A This matter of the Campbelltown did not appear again until 1953, and it, under the circumstances which eventually came about, what eventually came about, the commission had done a number of excerpts from minutes which led up to the withdrawal of the district of, municipal district of Strathcona from the Commission, and so I have a copy of the excerpts which begin in July 24th 1953. That is the next step along the line with the townsite plan, and so these are available as excerpts from the minutes.

Q Yes, I will put them in in a moment, Mr. Giffen. You say that the municipal district of Strathcona withdrew from the Planning Commission, from the District Planning Commission?

A Yes, in 1954.

Q In 1954?

A That's right.

Q And these minutes illustrate the reasons that developed for its withdrawal?

A Leading up.

1-B-7

R. N. Giffen - Clement Ex.

Q And they are minutes of what, of meetings of the Edmonton District Planning Commission?

A They are different meetings, executive committee meetings, excerpts from the Commission's meetings.

Q Yes?

A And I can more or less synopsise.

Q I wish you would summarize it then, but may I enter this as an Exhibit first, Mr. Commissioner, and then Mr. Giffen will give us a summary of what was involved.

THE COMMISSIONER: Exhibit 168.

EXCERPTS FROM MINUTES WITH RESPECT
TO STRATHCONA'S WITHDRAWAL FROM THE
PLANNING COMMISSION, AS PRODUCED,
MARKED EXHIBIT 168.

Q MR. CLEMENT: Yes, Mr. Giffen?

A I would like the excerpts back, if I may.

Q Yes, I am sorry.

A It is rather difficult without them.

Q I hadn't realized I hadn't returned them.

A There is an excerpt from a meeting of the executive committee of July 24th, 1953, which deals with the matter of staff participation in the preparation of a plan for the townsite. Would you require me to read from this?

Q I think, Mr. Giffen, for these immediate purposes if you just give us a summary of the sequence of developments which led to the withdrawal of the municipal district of Strathcona?

A The municipal district of Strathcona requested the Commission

1-B-8

R. N. Giffen - Clement Ex.

A (cont.) to consider allowing the Commission staff to help in the preparation of the overall plan for Campbelltown, and because the Commission had not dealt with Section 27, at least had not dealt favorably with Section 27, that is in the previous year, it was necessary for the Commission to deal with Section 27 and come to a conclusion as to whether they favored or did not favor it before they could allow their staff to go to work on it.

Q I see, that is they had to reconsider it and in reconsideration come to a favorable conclusion before they would let the work be done?

A That's right, and in this particular executive committee meeting there was a motion made by Mr. Moyer and seconded by Mr. Dant:

"That the executive committee recommends that the Holloway report on the proposed townsite for Section 27,52,23 West of the 4th be brought to the Commission at the next meeting of that body."

This was agreed to.

Q Yes, and what was the date of that one?

A That was on July 24th, 1953. And then there was a meeting of August 5th, 1953, and under "Unfinished Business":

"Re proposed townsite, Section 27, etc."

and there is an excerpt from a letter to Mr. Gertler, it is in the minutes, a letter to Mr. Gertler from the municipal district of Strathcona:

"Further to your discussion with council -"

1-B-9

R. N. Giffen - Clement Ex.

Q You are now quoting from -

A I am quoting from the minutes.

Q Yes?

A I think it is important that, it sets -

Q Yes, well, I just wanted to make it clear for the Reporter that you are quoting:

A "Further to your discussion with council at its meeting of July 6th, this is to officially advise you that in the opinion of the council of the municipal district the proposed townsite in Section 27, 52, 23 will definitely be developed and you are requested to proceed with the work of planning the town. We suggest you get in touch with Mr. N. A. Lawrence, Associate Engineer Services, with regard to the location of water and sewage disposal systems and the townsite storage tanks, etc. Since the assistance requested by Strathcona covered a project of some magnitude and would affect the work program -"

That is the end, after "storage tanks" is the end of the quote from the letter.

Q Yes?

A "Since the assistance requested by Strathcona covered a project of some magnitude and would affect the work program for the current fiscal year, the director felt it necessary to consult the Commission with a view to determining the extent to which the staff would be justified in meeting such a request."

1-B-10

R. N. Giffen - Clement Ex.

Q Did you give us the date of that meeting, Mr. Giffen?

A Yes, August 5th, 1953, I gave that.

Q Yes?

A At the end of the minutes it was moved by Mr. Moyer and seconded by Mr. Payne that the Holloway report be received, and Mr. Moyer then gave the following notice of motion for presentation at the next regular Commission meeting:

"That the development proposed for Section 27, 52, 23 West of the 4th and vicinity by Mr. Campbell be approved by the Commission."

This was seconded by Mr. Holloway. And then we come to the-

Q Was it carried?

A I beg your pardon, yes, it was carried.

Q And the date of the meeting again?

A This was August 5th.

Q August 5th.

A The next is an excerpt from a meeting of September 9th, 1953, deals with the notice of motion re proposed townsite, Section 27, 52, 23 West of the 4th. There was considerable discussion on this motion and this is the -:

"The matter having been fully debated the Chairman asked the meeting, if the meeting was ready to vote on the motion and the reply being in the affirmative, the room was cleared of visitors. There was some question as to whether the vote might be postponed for some few days to give the members a chance to digest the pros and cons but it was pointed out that such

1-B-11

R. N. Giffen - Clement Ex.

Q (cont.) action would hardly be fair to either the promoters or the municipality. A discussion then took place on the type of vote to be taken which resulted in a motion by Mr. Thompson that the vote be taken by secret ballot today. This was seconded by Mr. Walker and upon being put to the meeting was carried.

A A ballot was then taken resulting in nine votes being in favor of the approval and six opposed. The Chairman then declared the motion to be carried."

Q Yes, that is in effect an approval of Section 27 as a townsite?

A That is correct.

Q Yes, is there anything further of relevance in those excerpts?

A Only in that it moves forward into the discussion of the design of the townsite and the staff's participation in the design of the townsite.

Q That is of technical matters leading to the preparation of subdivision plans and the like?

A That is correct.

Q Yes?

A However, I should indicate, sir, that certain problems which arose as to subdivision eventually led to the M.D. of Strathcona becoming disenchanted with the Commission and deciding to withdraw from the Commission.

Q Then proceed with those, if you would?

A These are excerpts from minutes of the Commission meeting

1-B-12

R. N. Giffen - Clement Ex.

A (cont.) of February 3rd, 1954.

"Consideration of application for subdivision re housing development, Section 27, 52, 23, West of the 4th."

Before I get too far along, sir, I think I possibly, it would be better to enter in the matter of an application for subdivision which included an application made by J. H. Holloway, Alberta Land Surveyor, and which was in effect giving the Commission a formal application for subdivision dealing with the townsite at the time the approval was given for the townsite in 1953.

Q Yes, thank you. Mr. Commissioner, may I tender in evidence a letter dated August 31st, 1953 by Mr. Holloway to the Secretary-Treasurer of the Edmonton District Planning Commission.

THE COMMISSIONER: Exhibit number 169.

LETTER, AUGUST 31st, 1953, HOLLOWAY
TO THE PLANNING COMMISSION, AS
PRODUCED, MARKED EXHIBIT 169.

1-M-1

R. N. Giffen - Clement Ex.

Q MR. CLEMENT: The letter commences in this fashion: I'm forwarding to you a formal application on behalf of Mr. J. H. Campbell for the Commission's approval of his proposed townsite in Section 27-52-23-West of the 4th, and a tentative plan in triplicate is being sent under separate cover. I have undertaken to do this work for Mr. Campbell because I feel partly to blame for the fact that he and the municipality made certain commitments and proceeded with various negotiations in connection with this proposal on the strength of the report which I made to the municipality last year, not knowing that the report had not been submitted to the Commission, and Mr. Campbell is now anxious that a formal application based on a definite plan be submitted to the Commission without further delay.

There is also produced by Mr. Giffen, sir, the form of application -- no -- yes, the form of application referred to in that letter; is that correct?

A That's right, that is the provincial form at that time.

Q I gather that that is the plan of survey which has been referred to?

A May I suggest that that is a tentative plan, and it is an outline plan rather than a subdivision plan.

Q Yes. Again I would suggest that the fact that this plan -- the fact that this application was made by Mr. Holloway is a relevant matter and that the formal application and tentative plan need not go in as an exhibit, sir, but if my friends wish otherwise I will tender them.

1-M-2

R. N. Giffen - Clement Ex.

MR. WRIGHT: Was that the 31st of August, '53?

MR. CLEMENT: May I have the views of counsel?

MR. GILL: Certainly.

MR. CLEMENT: You don't require them?

MR. MAYNARD: Which? The application itself?

MR. CLEMENT: Yes, the formal application and
this tentative plan.

MR. MAYNARD: No.

MR. GILL: The letter?

MR. CLEMENT: Oh, I will put that in.

MR. GILL: Oh, I don't require the attachments.

MR. CLEMENT: The letter is Exhibit 169, Mr. Gill.

Thank you very much. All right, what happened after
Exhibit 169 was received?

A I was reading from the -- excerpts from the meeting of
February 3rd, 1954, and the --- this was a discussion by
the Commission of the work done by staff in approving the
subdivision plan which was originally presented to the
Commission.

Q That is, based on -- ?

A On that application.

Q On the tentative one coming from Mr. Holloway?

A That's right. The motion was made by Mr. Moir, moved that
the layout of the subdivision and the sketch of the
neighborhood unit as proposed and displayed by the technical
staff be accepted by the Commission. This motion was
seconded by Mr. Schroeder and upon being put to the meeting

1-M-3

R. N. Giffen - Clement Ex.

A (Cont.) was carried unanimously. That is generally the sum and substance of that meeting.

Q Yes.

A Then we come to the meeting of the executive committee of August 13th, 1954, and this deals with the -- again with Campbelltown. I think possibly in this one it might be that I will have to read a fair amount of it.

Q Well, whatever is necessary, Mr. Giffen, in order to have us understand why the M.D. withdrew.

A The chairman remarked that the main purpose of this meeting was to consider developments which had arisen in connection with the proposed townsite of Campbelltown on Section 27, and in this regard the secretary read a letter from Mr. J. H. Campbell, addressed to the Commission, attention of Mr. Gertler, as follows:

Recently I submitted to you a new plan of subdivision for the above townsite. This was submitted by reason of the fact that I have found it impossible to interest contractors or financial concerns in the original plan. I therefore request that the new plan be approved as requested by the Municipal District of Strathcona, and that the previous approval be rescinded.

The Secretary drew the attention of the meeting to the fact that the M.D. of Strathcona had also submitted a request that the new plan be approved, which read as follows:

This is to confirm that the Council

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R. N. Giffen - Clement Ex.

of the Municipal District of Strathcona No. 83, at a special meeting held on August 9th, 1954, approved the submitted plan of subdivision of Section 27, 52, 23, Campbelltown. The Council also rescinded its motion made on October 13th, 1953, approving the then submitted plan of the townsite. The director requested an explanation as to why this new plan had been submitted -- and I should indicate who was at this executive committee meeting?

Q Yes.

A The members of the Commission present were the Chairman Mr. Swan, Mr. F. J. Mitchell, Mr. G. W. Moir, Mr. A. Soetart who was Commission Chairman; also present were Mr. A. M. Adamson, Reeve of the M.D. of Strathcona, and the staff were Gertler and Marlin.

The Director requested an explanation as to why this new plan had been submitted. Mr. Adamson replied that the original plan seemed to be designed without purpose, that it was impossible for anyone to develop it as it was too heavy and cumbersome. They had acquired financial backing for the new plan which seemed to be a more practical design, and it was the wish of his council to have the plan approved in principle. In reply to a question from Mr. Swan, the Director stated that the original plan was drawn up by the Commission technical staff at the request of the M.D. of Strathcona, and in consultation with the applicant. The design did not contain any feature that was not approved by the applicant.

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R. N. Giffen - Clement Ex.

A (Cont.) After studying the new plan Mr. Mitchell pointed out that it did not provide lanes. Mr. Moir replied that the plan had been prepared showing no lanes and no storm sewers, but that a 16-foot easement would be provided at the back of the lots to accommodate the utilities, and that all streets would be hard-surfaced and surface drainage would be taken away in this manner. He further stated that the persons associated with the construction of the project felt that storm sewers were not absolutely necessary and would rather place emphasis -- they would rather place emphasis on hard-surfaced roads and streets.

Mr. Adamson informed the meeting that the new plan was being submitted -- that was submitted -- was prepared by Mr. Counts, a Town Planner from Wichita, Kansas, who was the principal financial backer. Refusal to accept the original plan was based mainly on the cost and it was felt that the new plan would not be so costly. Mr. Mitchell enquired as to the percentage of park reserved in the new plan as compared with the old, to which Mr. Gertler replied approximately the same, ten percent.

Q I suppose there was some difference in view developed as to whether there should be back lanes or not?

A This was one of the factors, sir. It is not necessarily something that is -- it is arguable -- that is, that there are -- Sherwood Park now is without lanes.

Q Some like them and some don't?

1-M-6

R. N. Giffen - Clement Ex.

A Right. In dealing with this Mr. Gertler pointed out that the matter was first brought to him on Monday August 9th when Mr. Campbell introduced the new plan. He said that quite apart from the merits of this plan, the Commission last February had approved a certain plan of subdivision for that particular area, and that this is an entirely different plan. He would not approve or disapprove of this plan without first re-submitting it to the Commission. He added that since a meeting of the executive committee had been called, he decided to present the issue to the committee for recommendation to the Commission. He also said that after looking over the submitted plan he had been in touch with Mr. Campbell and they had talked over the details and difficulties of the layout, and he now gave the results of this talk. I don't think we need to go into that -- .

Q No, I wouldn't think so.

A The question was raised as to whether it was necessary for the matter to be referred to the Commission, and in this connection Mr. Gertler advised that he had talked the situation over with Messrs. Lash and Judge -- that is, the Town Planner and the Deputy Minister of Municipal Affairs, who raised the same question. The decision had been left to the executive committee. In answer to an enquiry as to the urgency of action required on the part of the Council of Strathcona, Mr. Adamson said the financial backer was not anxious to wait, and that the Council required immediate

1-M-7

R. N. Giffen - Clement Ex.

A (Cont.) action.

Mr. Swan requested clarification as to procedure to be taken with plans which do not come up to the specifications of regulations -- that is, no lanes and streets below regulation width -- to which Mr. Gertler replied that the plans must be approved by the Provincial Planning Advisory Board.

The foregoing discussion resulted in the decision that the Director take the matter up with the Provincial Planning Advisory Board and get a decision on the points where the plan digresses from the regulations.

It was moved by Mr. Mitchell and seconded by Mr. Soetart that the Director be asked to confer with the Provincial Planning Advisory Board concerning points where the plan does not conform with the subdivision regulations, and that on the completion of negotiations with the Provincial Planning Advisory Board the Director report back to the Commission for approval of the amended plan at a special meeting to be called as soon as possible for this purpose.

And the next is a special meeting of the Commission held on August 24th, 1954. The following municipalities and government departments were represented by the following members -- do you wish me to give the people who were at that meeting?

Q Yes, please, and just a resume of what happened.

A Mr. Soetart, Chairman; Mr. Swan, Holloway, Mitchell, Walker,

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R. N. Giffen - Clement Ex.

A (Cont.) Evion, Payne, McKenzie, Baron, Schroeder and Veness. Also present were Mr. Lambert and Mr. Moir, Mr. Moir being the representative of the M.D. of Strathcona.

The Chairman remarked that the original intention of this meeting was to discuss a different plan of subdivision for the proposed townsite of Campbelltown which had been submitted to and discussed at a meeting of the executive committee held on August 13th. In this connection he stated that an Order-in-Council had been received dated August 16th, 1954, stating that at a special meeting held on August 13th, 1954, the Municipal District of Strathcona unanimously passed a resolution that immediate steps be taken to have the District withdraw from the Edmonton District Planning Commission. However, the Chairman felt that all of the members should know what had transpired at the meeting with the executive committee, and asked Mr. Swan to comment on that meeting.

Q That Order-in-Council was pursuant to the provisions of the Statute by which a member could withdraw?

A Yes, the Planning Act so indicates.

It was Mr. Swan's opinion that three facts emerged from this meeting -- that is, the meeting of August 13th -- that a new plan was essentially -- the new plan was essentially a different plan from the first, different in area and different in basic concept; two, that the second plan now under study departed in some rather important respects from the provincial regulations for

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R. N. Giffen - Clement Ex.

A (Cont) subdivisions; three, realization that the approval of the original plan had been the action of the whole Commission at their February 1954 meeting, that it had been -- and it had been attended by a good deal of publicity, and that any reconsideration should probably -- properly be a matter for the whole Commission.

Then they gave the motion which I read just a minute ago, as to what the Director should do, and then there followed a statement by Mr. Holloway -- Mr. Holloway stated that in view of the fact that an Order-in-Council had been passed making official the withdrawal of the M.D. of Strathcona, the matter was no longer a problem for the Commission.

At this point the Chairman read the contents of the Order-in-Council dated August 16th, to the meeting, and Mr. Moir advised that no change in attitude was evident on the part of this Council, and in reply to a question by Mr. Holloway, Mr. Moir stated that approval of this new subdivision plan for Campbelltown is now a matter for the Provincial Planning Advisory Board, and that the reasons for withdrawal was that Strathcona was generally dissatisfied with the length of time it seems to take for a subdivision to be approved, and they objected to the interference of the Commission in plans for subdivisions. He said he felt sure the members were aware of the Municipality's complaint. He also said that the special meeting at which the Council decided to withdraw from the

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R. N. Giffen - Clement Ex.

A (Cont.) Commission was held in the forenoon of August 13th.

It was moved by Mr. Mitchell that in view of the fact that the M.D. of Strathcona had decided prior to the executive committee meeting held August 13th to apply to withdraw from the Edmonton District Planning Commission, and since then having obtained an Order-in-Council allowing them to withdraw, the matter of the proposed townsite of Campbelltown on Section 27 is no longer our direct concern, and that the report of the executive committee meeting of August 13th be received and filed.

Mr. Soetart expressed the desire that steps be taken to correct the situation which Strathcona finds objectionable, and felt that before considering the matter closed and accepting the fact that the M.D. of Strathcona had dropped out of the Commission, a meeting with the M.D. of Strathcona should be arranged to discuss the questions which had led to Strathcona to take this action. He stated that under -- he understood that Mr. Campbell -- he had -- I beg your pardon -- he stated that he understood from Mr. Campbell that the final plan embodying the changes as outlined by Mr. Gertler in the executive committee report had not yet been completed, but that his backers had not disapproved of any changes.

Mr. Mitchell regretted the action taken by Strathcona and hoped that they would not continue to stand aside from district planning because of the excellent results which district planning had realized. He

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R. N. Giffen - Clement Ex.

A (Cont.) felt that it was a mistake for them to break away from the Commission entirely when it was evident that the Royal Commission had been formed to discuss various intermunicipal relations.

In this respect Mr. Moir advised that his municipality would not attempt to get along without planning, but would employ a planner of their own who would work with the Director of town and rural planning. He felt that the main difference arose from the fact that Strathcona wanted to be their own approving authority, and that there would be a possibility of rejoining the Commission if this was granted them, just as the City of Edmonton had a representative on the Commission but still conducted their own detail planning.

Mr. Gertler advised that under provincial regulations the Edmonton District Planning Commission is the approving authority for subdivision applications within the planning district, and in exercising this function with respect to Strathcona the Commission is simply carrying out the duties assigned to them by the provincial government; for Strathcona to be declared an approving authority in the same way as Edmonton is they would probably have to have a technical planning staff.

Mr. Lambert, representing the Town of Jasper Place and speaking in connection with the proposed meeting of the executive committee in Strathcona, stated that Jasper Place would be glad to see Strathcona remain in

1-M-12

R. N. Giffen - Clement Ex.

A (Cont.) the Commission and added that they bear no ill feeling towards Strathcona. However, concerning the development of fringe areas such as Jasper Place and Strathcona, conditions are such that the Town of Jasper Place felt that the approval of Campbelltown planning with the industrial zone would provide another competitive light industrial area and in this way ultimately aggravate Jasper Place's problems. Mr. Holloway replied that such would be a matter for the Royal Commission to study, and precisely the reason why the Royal Commission was established.

It was moved by Mr. Mitchell and seconded by Evion that the Secretary arrange a meeting between the Council of Strathcona and the executive committee of the Edmonton and District Planning Commission with a view to remaining as a member of the Commission under conditions which they believe to be more satisfactory.

Q Yes, Mr. Giffen, and then that was taken out of the jurisdiction of the Planning Commission for a period, was it?

A That's right.

Q And did the subject of Campbelltown or Sherwood Park again reach the Edmonton Planning Commission at a later date?

A The M.D. of Strathcona returned to the Commission in 1956, and at that time the subdivision plans for Campbelltown or Sherwood Park as it is now referred to, some of the plans of subdivision had already been registered. The Commission was again dealing with Campbelltown as part of their planning responsibility for the area, once Strathcona became

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R. N. Giffen - Clement Ex.

A (Cont.) a member of the Commission again.

Q But in this more limited sense, I take it, Mr. Giffen, that they would take under consideration additional plans of subdivision for approval?

A Or major revisions in the town plan.

Q That had already been registered?

A No, I'm thinking in terms of possible changes in the town plan, even after certain -- .

Q Oh, I see -- the town plan as distinct from the detailed subdivision -- .

A That's right.

Q I see, and that is the course and substance -- .

A That brings us up to, I think, 1956, yes.

Q That's all the questions I have to ask, Mr. Giffen.

2-P-1

R. Norman Giffen - Gill Ex.

MR. GILL EXAMINES THE WITNESS:

Q Mr. Giffen, who is John H. Campbell, the developer being referred to?

A I am not sure that I know how to answer that, he is a developer.

Q Is he any relation to A. J. Hooke?

A I have no knowledge of what his relationship is with anyone.

Q And who was on the Provincial Planning Advisory Board in November of 1951, do you know?

A No, I don't know.

Q Just to refresh me, the Edmonton District Planning Commission in 1951 to about 1953 had power only to recommend, is that correct?

A They were advisory.

Q The final authority lay with the Planning, Provincial Planning Advisory Board?

A That is correct and I think it specifically should be related to subdivision plans if you are thinking of the final approval. As far as development is concerned, this was a matter for the local municipality.

Q But with subdivision matters the Provincial Planning Advisory Board?

A That is right.

Q And did anyone have a final authority over that Board?

A Well, I would have to relate to the Planning Act at that time, the Provincial Planning Advisory Board was set up and

2-P-2

R. Norman Giffen - Gill Ex.

A (cont.) had a planning department under it and the planning department would be the ones who considered, that is, Provincial Planning Department would consider the application and if there was any question then the Provincial Planning Advisory Board would hear it on appeal but the final authority would be the Provincial Planning Advisory Board on final approval of a subdivision plan.

Q Wouldn't the ultimate authority rest in a Minister of the Crown to whom that advisory Provincial Planning Advisory Board were directed?

MR. CLEMENT: Mr. Commissioner, this doesn't need, seems to me to be a question of law and an interpretation of a statute.

THE COMMISSIONER: What is your question Mr. Gill?

MR. GILL: I was asking the witness whether or not the Minister of the Crown would it be the ultimate authority to whom the Provincial Planning Advisory Board --

THE COMMISSIONER: I think that is a matter of law or statute rather than --

MR. GILL: Quite so.

THE COMMISSIONER: It's certainly an act in his opinion as to a matter of law.

Q MR. GILL: The Edmonton District Planning Commission depended on municipal cooperation?

A That is correct.

Q In subdivision matters?

A In subdivision and development matters.

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R. Norman Giffen - Gill Ex.

Q Now many municipalities were involved? Strathcona --

A Strathcona, Edmonton, Jasper Place, Beverly, St. Albert, Leduc, Fort Saskatchewan, the M.D. of Morinville, the M.D. of Sturgeon, the M.D. of Stony Plain, the M.D. of Leduc, the M.D. of Strathcona and as I am only able to give you those I can't relate the ones who have joined since that time because I don't know exactly the date they joined.

Q Did I follow you correctly that sometime in August, 1954 a new plan for Campbelltown was brought before the Edmonton District Planning Commission?

A That's right.

Q And was that new plan ever approved by the Edmonton District Planning Commission?

A No.

Q Your information is it was finally approved by the Provincial Planning Advisory Board directly?

A I believe this is a matter which I can't report on, the only thing I can report is on the basis of what I know, that the plan which came to the Commission in August of '54 was not the final plan approved.

Q Did the Edmonton District Planning Commission ever approve the final plan for Campbelltown?

A As to the plan of subdivision, no. As to the plan of development of the townsite, yes. That was done in August or September of 1953. You must separate these two. It is a matter of where the townsite would go and after that it is

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R. Norman Giffen - Gill Ex.

A (cont.) a matter of how the townsite will be developed which involved the plan of subdivision and it is a matter of technical detail as to which plan is finally approved as to the economics of such subdivision.

Q And I understand that one of the objections the majority of the Edmonton District Planning Commission had to the plan of subdivision in August of '54, no storm sewer was provided?

A That is correct.

Q What other objections, can you remember?

A Well, if I may refer, there was a matter of no lanes, there was a question of the plan's layout as to road intersections and the matter of subdivision design as a whole matter. This was a matter of technical detail again, we were dealing with a new plan which had been presented to the Commission staff for recommendation to the Commission. The Commission staff had worked on the initial plan and brought it up to a point where it was considered to comply with the Provincial Subdivision Regulations and general planning practice. This new plan departed from the Provincial Subdivision regulations with regard to certain matters.

Q Would the new plan in essence be one which was designed to save the developer of the town a considerable amount of money?

A I am not able to answer that it was the opinion of the developer it would.

2-P-5

R. Norman Giffen - Gill Ex.

Q The new plan did depart in substantial manner from the planning regulations?

A On certain aspects which were pointed out in the excerpts from the Minutes. I would just say that because I am in a position of only reporting from the Minutes in this general area, I am not able to identify or at least elaborate on the basic differences that were in this plan. It is not to be presumed that this plan taken in hand by the technical staff could not have been brought to a point where it could have been approved.

Q But as it was shown to the Commission it couldn't be approved?

A It needed certain relaxations of the provincial subdivision regulations and this was a need which the Executive committee felt the director would have to discuss with the Provincial Planning Advisory Board.

Q Where does the Provincial Planning Advisory Board have their main offices?

A At that time I believe it was in the now Natural Resources Building.

Q Just north of the Legislative Buildings?

A Yes, that's right.

Q These Provincial subdivision regulations, do you regard them as minimal?

A Not altogether but I would say they present, they do not allow a developer to go below a certain standard. However,

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R. Norman Giffen - Gill Ex.

A (cont.) the subdivision regulations of the Province of Alberta are in themselves very adequate and they were at that time.

Q The J.H. Holloway who made the application, I think it is Exhibit 169, if I can see that please? This Mr. Holloway whose signature is at the bottom --

A Yes.

Q -- was he a Civil Servant?

A He was at that time.

Q And he was the same J.H. Holloway who was Chairman of the Edmonton District Planning Commission in the fall of 1951?

A May I just look at my Minutes to -- well yes, he was Chairman in the early part of the Commission's history.

Q So he was Chairman of the Edmonton District Planning Commission when the first application by Mr. Campbell to develop Campbelltown was put before the Commission, is that correct?

A May I look at the Minutes?

Q Please do.

A Yes, that is correct.

Q The same man?

A Yes.

Q Mr. Holloway, and he actually made the application in August of 1953, formal application for the townsite?

A That is correct. As I would add, as an Alberta Land Surveyor he was quite within his profession to make such an

2-P-7

R. Norman Giffen - Gill Ex.

A (cont.) application and only an Alberta Land Surveyor may make such an application.

Q Even though he was a Civil Servant at the time?

A Yes.

Q I see, and did the Edmonton District Planning Commission to your knowledge know of the interest of A. J. Hooke in Section 27?

A Not to my knowledge.

Q Did you know of Mr. Hooke's interest in those lands?

A You must understand that I joined the Commission on the 18th of July 1953. My knowledge of any consideration of Mr. Hooke in Section 27 would be on the basis of the application which was made showing who the owners of the land were at that time.

Q That would be in the attachment to the letter of August 31st, '53?

A Yes.

Q I may require that attachment after all Mr. Clement.

MR. CLEMENT: Mr. Commissioner if I may then annex to Exhibit 169 the formal application which accompanied it -- no, we don't need the plan or tentative plan.

THE COMMISSIONER: That will be attached.

MR. CLEMENT: Thank you sir.

MR. GILL: Thank you sir.

THE COMMISSIONER: And included with the Exhibit.

Q MR. GILL: I will have it marked in just a moment

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R. Norman Giffen - Gill Ex.

Q (cont.) if I might and in the meantime refer to it. Mr. Giffen, you are indicating on the back of the formal application the registered owner of the land is A. J. Hooke the southwest quarter, Hunter Brothers the southeast quarter, F. J. Smeltzer the north half and that is, you say, where you got your information of the interest of Mr. Hooke? Apparently it didn't show any interest of Mr. Campbell at that time?

A It did in the letter sir. You are dealing with the townsite application. It is necessary for the application which involves a piece of land, that is an application for subdivision, that the owner of the land be indicated as owner of the land. The application made by Mr. Holloway was for the approval of townsite Campbelltown.

Q Yesterday you told us that the Minister of Economic Affairs back in 1951 had promised his cooperation and expressed his intention to keep the Commission advised of any further developments in connection with the project as they might arise. Have you any correspondence or Minutes indicating the continued interest of the Minister of Economic Affairs in this project from 1951 on?

A I have no knowledge, also yesterday I quoted from the Minutes which indicated, I believe, one of the Commission members, at least it was felt it was necessary to keep in touch with the Minister of Economic Affairs to see how the matter of how much development would be necessary in the eastern area

2-P-9

R. Norman Giffen - Gill Ex.

R. Norman Giffen - Bowen Ex.

A (cont.) of Edmonton. I was quoting at that time.

Q Yes. And does your perusal of the Minutes and the great number of documents you have brought with you indicate anything further of the continued association?

A Nothing further in terms of what I have here or any mention in the Minutes as far as I can determine.

Q I see, thank you Mr. Giffen.

MR. BOWEN EXAMINES THE WITNESS:

Q My learned friend was talking about the Department of Economic Affairs in relation to planning I think, Mr. Giffen?

A Yes.

Q I think you will agree, will you not that the information that can come or did come from the Department of Economic Affairs is of great value to the planner in establishing a satellite town such as this?

A Yes, I would say that the Edmonton District or, Regional Commission is dependent upon the governmental departments for information as to what is proposed and certainly they request information in this regard. Yes, the --

Q And I suppose the Department of Economic Affairs takes it upon itself to be able to supply this information to interested government boards?

A I would say they are available for question if any questions are --

Q And in 1951 Mr. Hooke was the Minister of Economic Affairs?

2-P-10

R. Norman Giffen - Bowen Ex.

A I don't know.

Q I can assure you he was.

A All right.

Q I think at one point, it was in the Plotkin Report, perhaps, you indicated that the Minister of Economic Affairs had promised support, is this correct? Is this your memory?

A I am afraid I would have to refer to the Plotkin Report, I don't recall the wording.

Q I think further Mr. Giffen that it indicated in the Minutes somewhere that the Board or the Commission Planning Advisory Board or at least, the District Planning Board was going to approach the Department of Economic Affairs for an assessment of future industry in the area?

A Yes.

Q Is this correct?

A Yes, I recall --

Q And as a result of this ultimately the District Planning Commission decided that perhaps the town, proposed satellite town should be relocated?

A I can't -- information from the Department of Economic Affairs may have had some bearing upon the consideration of relocation of the satellite town. However there are a number of other agencies of government and also the fact you are dealing with a matter of planning considerations which would have influenced the possible location of such a satellite town.

2-P-11

R. Norman Giffen - Bowen Ex.

Q But was it not of prime importance to determine the industrial development in the general area prior to deciding where the town was going to go?

A Yes, it would be necessary to determine that or at least to get some consideration of what lay in the future so far as development is concerned.

Q And the information as to perhaps proposed industrial development would come primarily from the Department of Economic Affairs?

A Yes.

Q Primarily?

A Yes, the information would come from there.

Q I note that in December of 1951 and in January of 1952 the records which you have produced indicate three or four meetings of the District Planning Commission?

A These would be meetings and committee meetings, that is, committee meetings and Commission meetings.

Q What was the, from your perusal of the copies of the Minutes of meetings, what was the average number of meetings they had in a month prior to December of '51 or January of '52?

A Well, a casual assessment would be in the normal month they would have a committee meeting, probably executive committee and, the Commission meeting.

Q They would only have one?

A One Commission meeting and one committee but it would depend upon the matter of whether there was an urgency to consider

2-P-12

R. Norman Giffen - Bowen Ex.

A (cont.) development that might require further meetings.

Q In any event, in January of '52 at the time that this matter of the satellite town of Campbelltown application was in there was a matter of three meetings was there not, to consider this item?

A Yes, I think this would be normal if they were dealing with it to expedite an application.

Q And in your perusal of the committee or of the Commission meetings Minutes, were those meetings ordinarily open to the public?

A Commission meetings are open if physically possible, that is the matter of space was limited. Committee meetings are not generally open to the public.

Q Now, referring to the decision in August of 1953 to allow this development, you know the Minutes that I am talking about?

A Yes.

Q Was this a committee meeting or board meeting?

A It would have to be a Commission meeting, I think it was in September of '53.

Q All right so ordinarily it would be open to the public?

A Ordinarily, yes.

Q And I think you read from the Minutes of that meeting that the public, at the point that the vote was going to be taken, were excluded?

A That is correct, yes.

2-P-13

R. Norman Giffen - Bowen Ex.

Q That is correct is it?

A That was a matter for the Commission to decide.

Q So, when they were deciding to approve Campbelltown the Minutes show that they were going to have the public excluded and did so?

A Yes.

Q The Minutes show also that they were going to do it by secret ballot?

A Yes.

Q And there were nine in favour of the town and six opposed?

A Yes.

Q And how many members of the board were Civil Servants?

A Three.

Q So that in 1952 in January the board refused approval of Campbelltown as such and then eighteen months later they approved it in the manner we have described this morning?

A Yes, with further information being provided in the interim.

Q Now, coming to the new plan which came in in 1954 and ultimately led to Strathcona getting out of the Commission, I think you indicated that it did not meet certain requirements and regulations for proper planning?

2-B-1

R. N. Giffen - Bowen Ex.

A I believe the minutes stated that it did not comply with the Provincial subdivision regulations, my comments were in that context.

Q Do you know what this noncompliance was with the Provincial subdivision regulations?

A Well, it was a matter that they were dealing with a lane-less type of subdivision which was not the ordinary type of subdivision considered at that time.

Q Yes?

A I would have to do some, at least examine the minutes again to be able to elaborate further than that.

Q Was there any indication to your memory that they were, that it contravened the size of lots ordinarily required for a subdivision or anything of that nature?

A I don't believe it did.

Q Now, I understood that certain plans for subdivision were drawn by the employees or members of the Edmonton, of the District Planning Commission; am I correct in that?

A The, I think we would have to start from 1953 in September, when the Commission approved the townsite; it was, this was precipitated on the request of Strathcona to have the help of the technical staff in improving on the original plan for the townsite, and this was the work that was done as a matter of a project within the Commission itself on the request of a municipality.

Q Now, do you know whether or not the District Planning Commission's technical staff worked with anyone who was

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R. N. Giffen - Bowen Ex.

Q (cont.) employed by the applicant?

A I believe it is in the minutes that they had discussions with Mr. Campbell, but the work that was done on the plan was done in the Commission offices and in constant liaison with the developers as to -

Q Does this mean then, Mr. Giffen, that the technical staff of the Commission actually sat down and designed and drew and made the plans for Campbelltown?

A They worked on the original townsite outline plan to bring it up to a standard which would be acceptable under the then regulations.

Q At that time how many were on the technical staff?

A I believe the total staff of the Commission would be, and this includes drafting help, there were seven.

Q So that what you are saying then, sir, is that staff employed by, in effect the government, or a Commission of government, drew the plans of subdivision for Campbelltown, is this correct?

A No, no, I am saying that -

Q Well then, tell me then what is correct?

A The municipality, the municipal district of Strathcona as a member of the Commission requested that the staff give help in improving the design proposed for Campbelltown. This is a matter which the technical staff, either by recommendation or by actual drawing on any plan of subdivision, may do in dealing with applications for subdivision in any part of the Commission area. It was

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R. N. Giffen - Bowen Ex.

A (cont.) indicated by the Director at that time that this was a major part of the work, that is it would be a major piece of work to do this. However, the M.D. of Strathcona was concerned with the townsite and the development of the townsite rather than the detailed subdivision, and when dealing with a townsite you are dealing with all types of uses in that townsite, and it is the fitting in of these uses into an overall plan which was the part that the Commission staff was dealing with; and in this way they would have to amend the plan which came in as an outline plan.

Q Well now, let's get down to this outline plan you are talking about; what would come in to the technical staff of the Commission for their advice and recommendation, or what did come in?

A An outline plan did come in. Do you wish -

Q Perhaps there was a plan, was there, Mr. Clement?

MR. CLEMENT: I think my friend is referring to a document which we concluded earlier would not be put in as an Exhibit.

Q MR. BOWEN: Yes, that is probably the one, perhaps we could have it in now, sir? I am showing you, Mr. Giffen, a plan called Cambleton, spelled C-a-m-b-l-e-t-o-n; do you recognize this?

A Yes.

Q And is that what came to the technical staff of the District Planning Commission?

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R. N. Giffen - Bowen Ex.

A Yes, that is according to the record, I wasn't there.

Q And it is signed at the bottom by a J. H. Holloway, Alberta Land Surveyor?

A That is correct.

Q Could we have that in, sir?

THE COMMISSIONER: Exhibit 170.

OUTLINE PLAN HEADED "CAMBLETON"
AS PRODUCED, MARKED EXHIBIT 170.

Q MR. BOWEN: Is that the same J. H. Holloway that was the Chairman of the District Planning Commission?

A Yes, I have already made that clear.

Q So that what came, or that which came to the technical staff of the Commission was a tentative outline of subdivision into lots, designed apparently by the Chairman of the Commission?

A I think you have to be careful in saying it was the Chairman; he was Chairman in 1951, this is an application made in 1953, and he was not the Chairman -

Q I stand corrected, by the former Chairman of the Commission.

A Yes.

Q And I take it then that he would work with the technical staff of the District Planning Commission?

A I think I would try to make it clear, sir, that we are dealing with, dealing here with an outline plan which involves a townsite, that is where you are dealing with "commercial", "industrial", and "residential"; you are dealing with an outline road plan for this area, all of

2-B-5

R. N. Giffen - Bowen Ex.

A (cont.) these things which in themselves are, they are primary to an application for subdivision. Subdivision is part of the outline plan. The Commission staff was dealing with the principal of an outline plan for a town.

Q You have told us this before?

A Yes.

Q And I am aware of this Mr. Giffen.

A That's right, and as such it was a duty which rightly belongs to the Commission staff in carrying out its work advisory to the municipalities, and the Commission as such directed the staff to do this work in order that the townsite which would eventually be filled with houses and people would be to the best planning of that date.

Q I think you have given me my answer, I was not interested in why they worked, all I am interested in is: they did work with Mr. Holloway, is this correct?

A I cannot answer that because I am not aware as to whether Mr. Holloway was involved intimately with the revision of that plan.

Q Who pays the technical staff or who did pay the technical staff of the District Planning Commission in 1954?

A The Commission has a budget.

Q Right?

A And it is contributed to by the Provincial Government and all the other municipalities on certain proportions.

Q So that a portion of the salary received by the technical staff was contributed to by the Provincial Government of

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R. N. Giffen - Bowen Ex.
- Crawford Ex.

Q (cont.) Alberta?

A Yes.

Q Thank you, Mr. Giffen.

THE COMMISSIONER: Mr. Crawford?

MR. CRAWFORD EXAMINES THE WITNESS:

Q Mr. Giffen, let me just clarify your term with the Regional Planning Commission if I might; I believe you said that the Commission was set up in 1950 and that you became involved in 1953?

A Yes, I was hired as the Rural Technician in 1953, July of 1953.

Q And when did you become Director?

A February of 1966.

Q Is the position of Director a full time position?

A Yes.

Q And that of Rural Technician is also?

A Yes.

Q Most of the other people involved, principally the fifteen members, are not full time though, is that correct?

A I think it would be well to establish that there is a staff of the Commission and a Commission; the Commission members are elected or appointed members to the Commission, which meets once a month.

Q Do you know who Mr. Hawkins that Mr. Kaplain referred to in his evidence?

A Yes.

Q Who is he?

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R. N. Giffen - Crawford Ex.

A He is the Secretary-Treasurer of the County of Strathcona.

Q Do you know how long he held that position?

A I couldn't tell you definitely but I presume he has held the position of Secretary some time since 1952 or '53.

Q Do you know what position he held in 1951 when Mr. Kaplain went to see him?

A I am not able to say definitely but I would say Assistant Secretary-Treasurer.

Q Do you know Mr. Hawkins quite well?

A Yes.

Q Have you ever discussed with him the approach that Mr. Kaplain said he made to Mr. Hawkins about subdivision?

A I have discussed on the basis of the fact that it was in the paper that Mr. Kaplain was on the stand, I have discussed with Mr. Hawkins the fact that there was mention made that application had been made or at least an inquiry had been made on subdivision.

Q Did he appear to have any memory of it?

A He didn't indicate so to me. He was not able to recall. That is quite awhile ago.

Q Yes, it is. Now, the three provincial members who were on the Planning Commission in 1951, will you just outline the department they were from and who they were again please?

A The Department of Public Works, the Department of Municipal Affairs, and the Department of Education.

Q Was Mr. Holloway from Public Works?

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R. N. Giffen - Crawford Ex.

A Yes.

Q And who from Municipal Affairs?

A Mr. Lash.

Q Yes, and from Education?

A Mr. Swan.

Q Swan. Did the Edmonton Regional Planning Commission, as soon as you got to know anything about it, have a policy that was against the subdivision of residential properties in rural areas?

A Yes.

Q So Mr. Hawkins' statement, if it was what Mr. Kaplain said, would be essentially correct?

A I think you have, you talk about "residential"; as I understand it, I am not sure it was definitely established the type of subdivision Mr. Kaplain was requesting.

Q He said acreages?

A Well, there is allowance within the policy adopted by the municipality and the Commission, and the Commission, for acreage subdivision in the rural areas.

Q Going back as closely as you know of to 1951 then was the policy of the Regional Planning Commission to permit subdivision of acreages?

A I don't know, I wasn't there, and as I say I haven't been able to determine that there was such a policy, but I do know there was subdivision of this nature in the area, I think this is borne out by the Land Titles' records; but I do know that since I have been with the Commission they have

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R. N. Giffen - Crawford Ex.

A (cont.) allowed acreage subdivision in rural areas in quite a number of areas in the Commission's region.

Q Can you draw a line then in the Commission's thinking between acreage and residential lots, in policy, a policy line?

A Definitely, yes.

Q In 1951, in November, the first letter was received from Mr. Campbell, is that correct, by the Commission?

A No, it was received by the M.D. of Strathcona.

Q And that was forwarded by the M.D. in November of 1951 to the Commission?

A That is correct.

Q I believe there was an outline plan connected with that application or that letter too, do you recall that?

A I do not, there is no indication in the records of such an outline plan.

Q My notes from yesterday may be mistaken but indicate that you have said that an outline plan came to the Commission along with the letter from the M.D. involving Mr. Campbell's proposal?

A I may have been reading from the Minutes but I didn't volunteer that.

Q If there is an outline plan among your records would you have found it in your search today?

A Yes, I have everything from, on Sherwood Park as far as I am able to determine in this box and it is not there, if there was one.

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R. N. Giffen - Crawford Ex.

Q There was no outline plan?

A Not as far as I have been able to determine in the records.

Q And normally it would be retained on file if it was submitted?

A I would think so, we don't throw very much out.

MR. CLEMENT: I am just trying to find 159, Mr. Crawford, so that you can see what was in it. Do you have it there?

A I have 168 here, excerpts.

MR. CLEMENT: No, 159, the letter of Campbell of November 9th, Exhibit 159 in itself contains some details, perhaps that is what you are alluding to.

Q MR. CRAWFORD: Mr. Giffen, sometime in November or thereabouts then of '51, a committee was set up by the Commission, whether it was the Executive Committee or not I don't know, in any event you referred to a committee; can you tell us the members of that committee that was set up to examine Mr. Campbell's proposal?

A My I again refer to Minutes?

Q Yes.

A Thank you. The membership of the committee would be, or at least at the, this is a report of a meeting of the special committee appointed to consider proposed housing and township development on December 5th, '51; those present were Mr. J. H. Holloway, Mr. H. M. Lash, Mr. C. N. Greengrass, he was substituting for Mr. Dant, and Mr. G. W. Moyer, and Mr. S. H. Payne.

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R. N. Giffen - Crawford Ex.

Q Those were five members then that made up this committee?

A That is correct.

MR. MAYNARD: Mr. Commissioner, I have just conferred with my friend. I think the question that he asked was for the names of the committee to whom Mr. Campbell's application was referred, and what Mr. Giffen has just given is the names of the committee that existed at the time and that met on December 5th 1951 to discuss, in the first instance, when it was received, the original application. Now, if the information that my friend is asking is the names of the committee that received, to whom this application was referred for consideration, he has not yet received this information.

Q MR. CRAWFORD: My understanding, Mr. Giffen, if Mr. Maynard's remarks help you to clarify if that is necessary to your answer, my question was simply: when the Campbell proposal came to the Commission in November of 1951 from the Municipal District of Strathcona my understanding is that a committee was appointed in order to look into it, is that correct?

A That's right.

Q Are the five names you gave me the members of the committee that was established for that purpose?

A Yes, that is my interpretation. I would just like to read the heading on this Minute: "Report on meeting of special committee appointed to consider proposed housing and townsite development of Section 27, 52, 23."

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R. N. Giffen - Crawford Ex.

Q I think that clarifies it then.

MR. MAYNARD: I stand corrected, Mr. Commissioner.

MR. CLEMENT: What was the date of that?

A The 5th of December, 1951.

MR. CLEMENT: Exhibit 160?

A Yes.

Q MR. CRAWFORD: Mr. Giffen, Exhibit 159 is a letter directed to the Council of the Municipal District of Strathcona from John H. Campbell; on page 2 of the letter under a heading "Topographical Features" Mr. Campbell's letter says this:

"As shown by the approximate contours on this schematic plan herewith the surface of the land is rolling with a general slope towards the west and northwest ..."

And then there is more, but under Item number 6 headed "Subdivision Pattern", also on page 2 of Mr. Campbell's letter, it says:

"The main outlines of the system of subdivision which we have in view are shown on the plan herewith ..."

Now, are not those two plans among your records?

A No.

Q Would they be with the Municipal District of Strathcona?

A I don't know.

Q Can you ascertain?

A I don't know, I haven't asked if they were there. I don't know.

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R. N. Giffen - Crawford Ex.

Q Are you familiar in your work with the Planning Commission Mr. Giffen, with what would be an outline of subdivision plan? I know that, let us say this, I am presuming that what the letter refers to would be sort of an overall plan showing subdivisions but not in such detail as to be sufficient for registration at the Land Titles office.

A I would suggest that what they would be referring to would be an overall plan which in itself would not get to the detail.

Q And how long would it take to prepare a plan like that?

A Depending upon its, how good it was, it would vary with the amount of time spent on it.

Q You receive them from time to time at the Commission?

A They are schematic types of plan, it depends mainly I believe on the effort put into them. I would say that if you were dealing with all the matters of town planning and putting in a good overall plan it would take quite a while.

Q Could a plan of that type, an outline subdivision plan, along with a sketch of topographical features be prepared within two months?

A Yes, of that type.

Q Could it be prepared within one month?

A I don't know.

Q Pardon?

A I say I don't know, I would say that I haven't seen the plan but I would presume it was a sketch plan; you probably could do it over a weekend.

2-M-1

R. N. Giffen - Crawford Ex.

Q Now, Mr. Giffen, some Minutes refer -- and this was at the time that reference was made to the Plotkin report -- that a report should be made to Mr. Campbell so that he could discuss it with his associates. Those are the words that I have noted. Was there ever any suggestion of who Mr. Campbell's associates were?

A To my knowledge, no. In reading from the Minutes I don't know -- other than what the Minutes say there is nothing on record as to who his associates were.

Q You are sure of that?

A I am positive.

Q Mr. Dant's motion of December 12th, 1951, as I have again noted, referred to various proposed sites for satellite towns being under consideration -- or, at least, being prospective. Do you recall that?

A Was not the reference to the fact that there would be -- various sites would be acceptable for satellite towns?

Q Well, let's put it this way: the motion urged the Commission to adopt an attitude of enquiry into the whole question of satellite towns, including the number and location that they should be?

A Yes.

Q In the vicinity of the City of Edmonton. That was correct?

A Yes.

Q And I thought you said at one point that there were six proposed sites.

A No.

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R. N. Giffen - Crawford Ex.

Q Did that not appear?

A Not to my --- well, again, to quote out of the Minutes I don't recall the number six.

Q Did the Regional Planning Commission ever consider a site for a satellite town other than Campbelltown?

A Yes.

Q Where?

A Or at least -- they refer to it -- up -- downstream from Edmonton between here and Fort Saskatchewan. There was a reference of a general type, which would be a comparable reference in terms of what a particular site had as compared with, say, Sherwood Park.

Q And was that location made the subject of an application, too?

A We have had an application in later years for what is called Hendayville.

Q Would that be on the other side of the river from Sherwood Park?

A No -- between the Old Man and Point-au-Pins Creeks, on the south side of the river.

Q And when was that application?

A Sometime between '56 and '58 -- I wouldn't know for sure.

Q Was it ever brought to the stage where it was granted or refused?

A Yes.

Q And was it refused?

A Yes.

Q Were there any other townsites besides Campbelltown and

2-M-3

R. N. Giffen - Crawford Ex.

Q (Cont.) Hendayville that were proposed by anyone, in your memory?

A Not in my memory, no.

Q Just those two?

A Yes.

Q Mr. Giffen, I just have one or two other questions, and these relate to what I suggest to you is the reason why we are here. The terms of reference of the committee of -- His Lordship's Commission of Inquiry refer in part to a question, the question of whether or not the Honourable A. J. Hooke used his public office for the benefit of himself and/or his friends. As far as I recall, you have not said yet whether or not you know Alfred Hooke personally. Do you?

A I have never been introduced to Mr. Hooke. I have been at functions -- conventions, etc., where --- I know Mr. Hooke by sight.

Q You know him by sight?

A Yes.

Q Have you ever talked to him?

A No.

Q You haven't met him, spoken to him on the telephone or corresponded with him?

A Not to my knowledge I have not, no.

Q What about Mr. John Campbell? Have you ever met him?

A Yes, frequently.

Q How long ago was the first time?

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R. N. Giffen - Crawford Ex.

A I believe it was soon after I joined the Commission, during the time when they were dealing with the application for Campbelltown, and Mr. Campbell was attending a Commission meeting, and as we were rather limited in our quarters as far as our office was concerned, Mr. Campbell was in the general office, and I believe I met him at that time.

Q You were a rural technician with the Commission at that time?

A That is correct.

Q What did you do before you were rural technician with the Edmonton Regional Planning Commission?

A Well, I was employed by the Municipal Affairs Department as an assessor for one year. Before that time I was in the University of Alberta completing my studies in Agriculture. I graduated in '50 and '52 -- in '52 with my Master's.

Q When was the last time you saw John Campbell?

A This morning.

Q Prior to this morning?

A Mr. Campbell -- I believe the last time I saw him was at a meeting of the M.D. of Strathcona three months ago when he was applying for subdivision.

Q Another one?

A Yes.

Q In Sherwood Park?

A No.

Q Did any of the members of the Edmonton Regional Planning

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R. N. Giffen - Crawford Ex.

Q (Cont.) Commission at any time mention to you that they personally knew Alfred Hooke?

A I don't recall any particular mention of it. I'm sure that some of the staff members may have had the opportunity of meeting Mr. Hooke at some time.

Q At any meeting of the Commission did any member of the Commission ever make reference to having heard any communication from Mr. Hooke?

A Not to my knowledge.

Q You know now that Mr. Hooke was financially involved in the quarter-section of land which is now Sherwood Park; is that correct?

A I knew he was the owner of the Southwest quarter according to the application for subdivision made in 1953 by J. H. Holloway.

Q You observed in 1953 that he was involved?

A Yes -- well, I would say that he was the owner of that land.

Q Well, let's say that he was. Did you observe that?

A Yes, this was common knowledge. An application comes into the office, certainly there would be knowledge of who the owners were.

Q Did you connect that with the fact that the owner was a Minister of the Crown?

A I think I was apprised of the fact, but I don't believe at that time I was aware of it. Somebody on the staff knew he was.

Q So at least as long as July of 1953 the Commission and its

2-M-6

R. N. Giffen - Crawford Ex.

Q (Cont.) staff were aware that the applicant was a Minister of the Crown?

A The applicant was Mr. J. H. Campbell. The owner of the land on which the application was made was Mr. Hooke, and Mrs. Smeltzer, I believe, and somebody else; but the application was made on behalf of Mr. J. H. Campbell by Mr. Holloway.

Q Mr. Campbell never held himself out as being other than a representative of the owner?

A Would you say that again, please?

Q How did Mr. Campbell come to you? I know that he was the applicant, but he was known not to be the owner and he could only represent the owner?

A A developer does not have to be the owner of the land.

Q Quite. You looked upon him purely as a developer?

A The developer of the townsite, yes.

Q The developer of land owned by a Minister of the Crown?

A According to the records Mr. Hooke owned that land.

Q Well, according to the knowledge of yourself and other employees, from the records in July of 1953 you did know that the developer John Campbell was developing land that was owned by a Minister of the Crown; is that right?

A Yes, John Campbell was developing land that was owned -- not only land that was owned by Mr. Hooke, but the other people concerned -- certainly had knowledge on the application. Other than that, I don't know.

Q I'm sorry?

A I say, other than that I -- I would say that that is what we

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R.N. Giffen - Crawford Ex.

A (Cont.) knew.

Q Do you have any personal knowledge of the existence of a business relationship between Mr. Campbell and Mr. Hooke?

A None except that which was --- at least, talked about two days ago.

Q And also the fact that it is apparent that a developer has some relationship with the owner of the land he is developing, a business relationship?

A I would say they would have to know each other -- I mean, they would have to get permission to make the application.

Q And he would normally have to pay him for the land or acquire it in some way for developing?

A Yes.

Q So there would be a relationship, if not a business relationship, then that of vendor and purchaser of land?

A That is a possibility, yes.

Q It's a certainty, isn't it?

A Yes -- I beg your pardon -- it is a certainty.

Q Can I then ask you, Mr. Giffen, just one other thing which, if you can't answer now you may have to refer to the Minutes, and that is just who moved and who seconded the motion that was passed by a nine to six vote in September of 1954, I believe, or -- ?

A '53 -- '53.

Q '53, when the secret ballot was taken approving the Campbelltown project as far as the Commission was concerned?

MR. CLEMENT:

Do you wish to refer to the excerpts?

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R. N. Giffen - Crawford Ex.
- Wright Ex.

A Yes, please.

MR. CLEMENT: Exhibit 168.

A Do you wish me to read the section that deals with that particular part of the vote?

Q MR. CRAWFORD: Please.

A A discussion took place on the type of vote to be taken with the result a motion by Mr. Thompson that a vote be taken by secret ballot today, and this was seconded by Mr. Walker and was put to the meeting and was carried. That doesn't say who moved the --- . The notice of motion was made by G. W. Moir. That is -- it means it came to the Commission by notice of motion by Mr. Moir.

Q And the motion regarding secret ballot was moved by Thompson and seconded by Walker?

A That is correct.

Q Thank you; that's all my questions.

THE COMMISSIONER: Mr. Wright?

MR. WRIGHT EXAMINES WITNESS:

Q The Provincial Planning Advisory Board in 1951 and '52 was comprised of whom?

A I'm afraid I can't answer that, I don't know.

Q Was it comprised of members appointed by the government? Can you go that far?

A As I recollect, as far as the Planning Act is concerned it was, first of all, the Director of planning would be the executive member, and then there would be members on the Planning Advisory Board representing the various departments

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R N.Giffen - Wright Ex.

A (Cont.) who were involved in planning and development in Alberta.

Q Yes.

A So that -- .

Q So that all of the members were appointees of various government departments, were they?

A Yes.

Q Amongst them the Department of Economic Affairs?

A It could well be.

Q And at that time Mr. Hooke was the Minister of Economic Affairs?

A This has been -- .

Q Mr. Lash was the -- was the Chairman of the Provincial Planning Advisory Board at the time, was he not?

A He would be the executive member, being that he was the Director of Planning.

Q Yes; he was the Town and Country Planner at the time, was he not?

A Yes.

Q And I believe you said yesterday that he was the Chairman of the Provincial Planning Advisory Board at the time?

A I don't recall saying that.

Q At any rate he was a member of it?

A Yes.

Q And he was also a member of the Edmonton District Planning Commission?

A That is correct.

2-M-10

R. N.Giffen - Wright Ex.

Q Of whom, Mr. Holloway, as you have told us, was Chairman, and he was -- he came to be on it as a representative of the Department of Public Works?

A Yes.

Q And how long did Mr. Holloway remain on the Planning Commission? Perhaps you have told us that earlier?

A No, I haven't. I would have to check. I presume it was -- I can only do it by checking the Minutes and I am afraid this would be quite a long job, but I would say somewhere until 1954 or '55; I'm not sure.

Q Oh; so that at the time of the motion that approved the idea of Campbelltown, he was still a member?

A Yes. Could I -- I believe so -- could I check?

Q Thank you.

A September 9th, 1953, at the time it was voted on Mr. Holloway was still a member.

Q And did he take part in that vote, by the way?

A I don't know. I would surmise he did: there were fifteen there.

Q And you told us yesterday that at the meeting of the 5th of January, 1952, that the Commission was apprised that the Minister of Economic Affairs, i.e., Mr. Hooke, said he would keep the Chairman advised of developments in the area. Is this not so?

A I believe I read it from the Minutes.

Q And I think that would be 162: the Chairman made a brief statement concerning the proposed townsite development in

2-M-11

R. N. Giffen - Wright Ex.

Q (Cont) Section 27 -- etc. -- this being located about five miles east of the City limits. He stated that at the present time the project was not at the stage where it could be dealt with by the Commission, and that the Minister of Economic Affairs had promised his co-operation and expressed his intention to keep the Commission advised of any further developments in connection with the project, as they might arise. The Chairman stated that he expected to be in a position to make a further report at the next meeting of the Commission. So that we there presumably have the information that Mr. Holloway and Mr. Hooke were getting their heads together to see about the feasibility of this satellite town. Would that be fair?

MR. CLEMENT: Well now, I think -- .

MR. WRIGHT: It's a matter of comment, perhaps.

MR. CLEMENT: I think, sir, questions of this sort are -- .

THE COMMISSIONER: I don't think that is a fair question for this witness to be asked.

MR. WRIGHT: It is a matter of comment, perhaps.

THE COMMISSIONER: That is more or less an inference, it has to be -- .

MR. WRIGHT: Yes.

THE COMMISSIONER: --- an inference.

Q MR. WRIGHT: But at any rate, the next meeting was on the 15th of January, 1952, and I presume we have the Minutes of that -- 163. Well, at any rate, reading from

2-M-12

R. N. Giffen - Wright Ex.

Q (Cont) this Minute yesterday you informed us that a quite thorough report had been received from Mr. Plotkin, and Mr. Holloway was present at that meeting, of course, as Chairman, together with some others, and the concluding opinion of the committee was that Mr. Campbell should be contacted with a view to having him participate with the Commission in locating the townsite elsewhere, in the general area, because of the difficulties which the special committee had found were raised by the idea of a satellite town in this place. So that the consensus of the committee at that time, as you have told us, was against the town in that point. Were meetings ever carried out with Mr. Campbell to find another site?

A I don't know.

Q There is certainly no indication from what you have found in your files of any keenness on the part of the developer for any site at all other than this one?

A Well, again, I am only able to quote from the Minutes, and I wasn't with the Commission at that time.

Q Yes, of course, yes. Yes, you are in difficulties because of lack of personal knowledge, but from your search of the records there is no indication of any attempt by Mr. Campbell to come up with any site which at the time was thought would be more suitable, other than this one?

A I have no knowledge.

Q M-mh?

A I have no knowledge of him presenting another site.

2-M-13

R. N. Giffen - Wright Ex.

THE COMMISSIONER:

Mr. Wright, before you embark on another aspect I would interrupt your cross-examination and we will adjourn for fifteen minutes.

(Adjourned at 11:15 a.m.)

3-P-1

R. Norman Giffen - Wright Ex.

THE COMMISSIONER: Mr. Wright?

Q MR. WRIGHT: We were at the point of the 15th of January 1952 meeting Mr. Giffen, at that point the report of Mr. Plotkin had been received and the Planning Commission is not enamored of the idea of a satellite town in this area and wants further information and Mr. Holloway, the Chairman, says he expects to be conferring from time to time in this regard with Mr. Hooke. Does that sum it up fairly?

A I don't think Mr. Hooke's name was mentioned.

Q Well, the Minister of Economic Affairs then?

A I was only reading from the Minutes and it seems to me that the Minutes said there would have to be -- again you would have to quote the Minutes, that the Minister of Economic Affairs would be in touch as to developments in this area.

Q Yes, and would keep the Chairman generally advised, I think it is something to that effect. We will just get that part right.

"And that the Minister of Economic Affairs had promised his cooperation and expressed his intention to keep the Commission advised of any further developments in connection with the project as they might arise."
whatever that means?

A Yes.

Q And in fact, Mr. Holloway wrote a letter to Mr. Campbell setting out the date of the letter, the 17th of January 1952

3-P-2

R. Norman Giffen - Wright Ex.

Q (cont.) and it is marked Exhibit 165, setting out the then objections of the Planning Commission to the project, is that correct?

A There was a letter sent from the Commission to Mr. Campbell, I believe.

Q Yes, and then later Mr. Holloway inspected the site along with Mr. Campbell, didn't he, and he made a report --

A Yes.

Q -- to the Planning Commission on it and by that time he had changed his views evidently about the desirability of the town?

A Not having the letter in front of me, possibly it is in the Minutes as I have determined the Holloway letter to Mr. Roberts is in the Minutes, I am not sure that it changed the view of the Commission on the 15th of January.

Q Well, the report is somewhere in evidence but a summary of the important part of it is contained in Exhibit 166 which is a copy of the Minutes of an executive committee meeting held on the 24th of July, 1953 and in these Minutes it quotes from a letter written by Mr. J. H. Holloway in July 1952 following an inspection made by himself and Messrs Plotkin and Makale which ended with the following paragraph:

"In my opinion the proposed development of a townsite in section 27 would be feasible --"

and so on, so by this time he had changed his views, obviously, the answer is yes?

3-P-3

R. Norman Giffen - Wright Ex.

A I am not sure that Mr. Holloway had changed his views in terms of -- I just don't get the connection sir. On one hand you are talking about the report given the Commission in January which, on the basis of that report the Commission indicated to Mr. Campbell that they weren't satisfied with that site and the report you are talking about now is the report that Mr. Holloway prepared.

Q Yes?

A And it has nothing to do with the decision made in January.

Q I see, but at any rate he is of the opinion in July that perhaps this is a good development after all?

A I would take it from that that he is.

Q However, very strong objections had been made in Mr. Plotkin's report to the idea of this as a satellite town, hadn't they?

A I believe the report indicates a number of problems which would arise in placing the townsite at that location.

Q In particular he set out the five or six essentials of a satellite town as he conceived it, the first being that it must be far away from the mother city to be self-contained in its normal daily shopping, recreational and cultural functions and, there was considerable doubt as to whether this was so in the case of this place five miles east of the City Limits was there not?

A I believe the report substantiates that.

Q Yes. Secondly, it must be largely self-contained in its

3-P-4

R. Norman Giffen - Wright Ex.

Q (cont.) employment. In other words, the place of employment for the majority of the inhabitants must be clearly related to the one satellite and there was again considerable doubt about this, since none of the employees other than service employees would be working in the area of the town, right?

A Townsite.

Q Townsite, yes. Yes, it wasn't and never has been a town. Thirdly, the industrial relations of the satellite must be of sufficient proportion to provide for solvent local government. Now this clearly is not so unless it remains unincorporated? That is so, isn't it?

A Well I would presume that unless they were to obtain the industrial area under annexation.

Q Yes but even so that would be in the context of incorporation, wouldn't it? Fourthly it must be self-contained in its public utilities and public transportation to places of employment, it must not be parasitical upon the public utilities system of any other community. Now, there was no system in existence or proposed for transportation to the places of work of the persons who were expected to live in this town, were there, other than by private car, of course?

A Yes, I would say private transportation.

Q Fifthly, its maximum size as a self-contained community must be pre-determined in order that realistic estimates could be made concerning the reservation of land for public purposes

3-P-5

R. Norman Giffen - Wright Ex.

Q (cont.) and the orderly development of public utility system, scaled to a defined maximum population load. I presume that one could be handled because it is just a matter of planning?

A I think these are all factors which enter into the planning.

Q No but that particular one is just the case of setting limits for the townsite is it not?

A Yes.

Q And sixthly, it must be linked by arterial road and rail system to the mother city and by an orbital road system to its neighbouring satellites. Well, there is no railway through the place and at that time not much of an arterial road, was there? And Mr. Dant very forcefully repeated these objections did he not in a letter sent to the Secretary-Treasurer of the Edmonton District Planning Commission on the 31st of August, 1953 which -- I beg your pardon, that hasn't been put in evidence, I think you have it, sir. What is the date of the letter?

A August 4th, 1953.

Q Yes, and that is a letter in fact from Mr. Dant to the Chairman of the Edmonton District Planning Commission?

A That is correct.

Q May that be marked, sir?

THE COMMISSIONER: Exhibit number 171.

LETTER DATED AUGUST 4th, 1953 FROM
MR. DANT TO THE EDMONTON DISTRICT
PLANNING COMMISSION ENTERED AS
EXHIBIT 171.

3-P-6

R. Norman Giffen - Wright Ex.

Q MR. WRIGHT: Mr. Dant was at that time the Town Planner of the City of Edmonton?

A Yes.

Q And he had until, shortly before that time, been an ex-officio member of the Edmonton District Planning Commission had he not?

A I believe his position was that he was representing the City on the Planning Commission.

Q All right, maybe as a representative but the City had a representative at any rate?

A Yes.

Q By statute and, the statute was changed in that year, wasn't it?

A It is my recollection that is the case. I am not sure that this particular letter involves that. It indicates that Mr. Dant would not be at the meeting in which the development would be discussed but I am not quite certain of my facts on that.

Q Yes, but at some time around here the rules were changed, whether by legislation or Order-In-Council I am not sure?

A I believe by legislation.

Q By legislation, by an act then, so that the City of Edmonton was deprived of membership on this Edmonton District Planning Commission?

A No, they were not.

Q How did it work then, what was the change?

A The change was that they would appoint an elected member.

3-P-7

R. Norman Giffen - Wright Ex.

Q They could appoint an elected member?

A Member of Council.

Q I see, they could send a Council Member along?

A Yes.

Q But had there not always been a Council Member sitting, Alderman Mitchell, for example?

A No. I am not sure of my ground on that but I believe it was about that time either Mr. Miller or Mr. Mitchell came on to the Commission.

Q I see, at any rate the change was then that only laymen could sit on this Commission apart from Government representatives?

A Only elected officials of the member municipalities were to represent their municipalities on the Commission.

Q Yes and apart from such members, the only members were appointees of the Government?

A Yes, of the departments of Government.

Q Yes?

A Which were affected by planning.

Q And those five points or, five of the six points I have read out were reiterated by Mr. Dant as being essentials which could not be complied with in the case of this town, is that not so?

A I would say that you are looking at the satellite town concept in its full blown picture.

Q Yes?

A That is as to what is the ultimate in the type of a satellite development.

3-P-8

R. Norman Giffen - Wright Ex.

Q Well, Sherwood Park was proposed as a satellite town in point of fact, not merely as a subdivision in the country, wasn't it?

A It was to have more than residential development, yes.

Q Exactly, it depends how you define a satellite town to some extent but that was the nature of its purpose at all times was it not, its stated purpose?

A I believe the application was an application for housing development and townsite in the M.D. of Strathcona to provide a dwelling place for the people who worked in the industries in northeast Edmonton.

1967 - 1968

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3-B-1
R. N. Giffen - Wright Ex.

Q Yes, but I am talking about the description of the planner, that the planner would give to it and how it was regarded at the time; you were there by 1953, of course, and it was regarded as a sort of rudimentary satellite town at all times, was it not?

A It was considered as a townsite, yes.

Q And Mr. Dant ends his letter by saying:

"I wish my vote to be an emphatic refusal of this proposal in its presently proposed location. I believe new townsites, real organic satellite towns, to be necessary, even essential around Edmonton, but such satellites to be successful must obey the few cardinal first principles involved in such concept, and in this case there is no doubt whatsoever in my mind that the proposed location is eminently a wrong location."

That is how his letter ends, does it not?

A Yes.

Q Perhaps you have a better memory than I and of those Minutes. Was this letter read out at this crucial meeting?

A I believe copies were made of it and provided.

Q And distributed?

A Yes.

Q And you have told us that Mr. Holloway was a member that voted on that crucial application?

A I only surmise this because there were nine to six votes and there were fifteen members present.

3-B-2

R. N. Giffen - Wright Ex.

Q And he was one of the members present?

A Yes.

Q And they all apparently voted?

A Yes.

Q So that you must be right unless someone voted twice?

A Right.

Q And what triggered that vote in September, what had triggered that vote in September was this application, Exhibit 169?

A The application itself was a matter of a formal proposal put to the Commission. What triggered the vote was the request from the M.D. of Strathcona that the Commission staff would help in the planning of the townsite.

Q Yes?

A And it was on the basis of the Holloway report to the M.D. of Strathcona in which, as you have indicated, Mr. Holloway felt that this was a feasible site for a satellite development.

Q Yes?

A So that this was the formal application which allowed it to come to the Commission, as you will probably, well, it is at this point in time that the Commission became the approving authority for subdivisions as of, I believe, the 1st of August, 1953; it was at that point the Act was changed and the, there was a delegation of approving authority to the Planning Commission.

Q I see, at any rate they had to have that vote in order to

3-B-3

R. N. Giffen - Wright Ex.

Q (cont.) deal with this application really?

A Yes.

Q And this application is for the townsite of Campbelltown, in effect?

A Yes.

Q And it shows Mr. Hooke as one of the owners?

A Yes.

Q And it is signed on behalf of the applicant or, it doesn't even say "on behalf of the applicant", it is just signed as if he were the applicant by J. H. Holloway?

A I believe if you will check the records as far as who may make application for subdivision, it has to be done through an Alberta Land Surveyor.

Q Yes.

A And an Alberta Land Surveyor must sign the application.

Q Right. Well, all right, it is in the printed form "A.L.S."?

A Yes.

Q It is made by Mr. Holloway, Alberta Land Surveyor, on behalf of the applicant then?

A That is correct.

Q The very man who is voting on it, one of them?

A Mr. Holloway made the application in order to get it in front of the Commission formally.

Q Yes?

A And Mr. Holloway also made the report on the location for the satellite town.

Q Yes, and Mr. Holloway was a Civil Servant?

3-B-4

R. N. Giffen - Wright Ex.

A I think the records show that.

Q Department of Public Works still at the time?

A I think so, you would have to check the records.

Q And had been a Government Servant for very many years?

A Yes.

Q Now, the break came, as you have told us, the following year because the District Planning Commission was being too sticky for the Municipal District evidently in its insistence that the regulations be followed; would that be a fair way of summing it up?

A I think what I said was that the M.D. of Strathcona became disenchanted with the manner in which the application for subdivision was being dealt with; the crux of the matter seemed to be on the urgency to pass the revised plan or at least the new plan that came in; and the matter was with the, as I recall the Minutes, now I am more or less trying to say what the Minutes say here, that Mr. Gertler felt that it was necessary to take it to the Executive Committee and then that it should go to the Commission who had approved the prior plan.

Q Yes?

A And this is where the problem arose, so far as Strathcona was concerned.

Q Yes. But the Commission felt that it was bound by the subdivision regulations and this new plan just didn't fit into them in certain ways, did it?

A That is correct, although the Executive Committee, I recall,

3-B-5

R. N. Giffen - Wright Ex.

A (cont.) indicated that the directors should get in touch with the Provincial Planning Board as to this matter of the change, the regulations not being met.

Q Right, there might have been ways around it, either by just obtaining a dispensation in some way or just by altering the plan, of course?

A That's right, yes.

Q That was the holdup at that point?

A That's right.

Q In that connection what is a dispensing power, if any? In whose hands is it or was it at that time; this is a question of law, of course?

A I believe at that time the subdivision and transfer regulations were drawn up as a regulation under The Surveys and Expropriation Act.

Q Yes.

A And under The Planning Act, I believe they were generally connected together, I am not sure of the wording on the regulations as they were then.

Q So that they could be altered by Order-In-Council?

MR. CLEMENT: Just a moment. This witness perhaps may be at a disadvantage in recalling the regulations as they were then. The regulations, the subdivision regulations that are being referred to here, at the present time the Provincial Planning Board can itself waive the requirements of the subdivision regulations, as I recall them. As they were in 1953 I am by no means certain and I

3-B-6

R. N. Giffen - Wright Ex.

MR. CLEMENT: (cont.) would be surprised if this witness can answer that with sufficient certainty to be of any value here.

MR. WRIGHT: Well, if he cannot I certainly cannot, he was dealing with them at the time.

MR. CLEMENT: Well, they can be produced and put on record because they are all gazetted in the year in which they were passed.

Q MR. WRIGHT: Yes, I was just wondering whether Mr. Giffen knew off-hand whether at that time the Provincial Planning Advisory Board had the right to dispense to any degree with the regulations, subdivision regulations?

A I would believe, as they are regulations which are regulations under The Surveys and Expropriation Act and The Town and Rural Planning Act, that regulations are in a position that consideration could be given for either relaxation, etc., by the body which make the regulations, as it is now.

Q And that would have been the Provincial Planning Advisory Board or the Minister?

A It is paired up with The Surveys and Expropriation Act.

Q Yes?

A And The Town and Rural Planning Act, the regulations are drawn up under these two Acts.

Q Yes. Well, to go back to my first question then, would it be a dispensation by Order-In-Council which in effect is revoking, which is an amendment to the regulations, or

3-B-7

R. N. Giffen - Wright Ex.

Q (cont.) could they dispense without altering the regulations, can you recall?

A I would say that on an appeal from a decision of the subdivision approving authority that the Provincial Planning Advisory Board or the Director of Surveys would be in a position to examine the circumstances and give relief to a regulation.

Q I see, I see. Now, when the District Planning Commission was in effect knocked out by Strathcona withdrawing in 1954 the subdivision plans would then have to be approved, after being approved by the municipality, by the Provincial Planning Advisory Board?

A Yes, well, put it this way, that the Commission no longer was the approving authority, therefore the Provincial Planning Office would be the approving authority.

Q Right, and they did have the right to cut corners if necessary if they felt it right?

A Well, the Provincial Planning Office would be a different category than the Provincial Planning Advisory Board.

Q Yes, quite right, quite right. Now, these regulations which this new plan, which was laneless and drainless, ran afoul of, required lanes and drains, did it, and streets of a certain width?

A I would believe that there is a possibility and certainly before that time there have been laneless subdivisions, it was a matter of common practice to have lanes in Alberta.

Q Yes?

3-B-8

R. N. Giffen - Wright Ex.

A I am sure that experience has shown that you can do without them.

Q Yes, but how in fact though were the regulations got around, can you tell us that?

A I think I indicated, as far as my knowledge is concerned, and this has to be secondhand because obviously the Commission did not come into consideration of the final approval of the subdivision plan for the townsite, that this would be in the normal process of an application for subdivision and the dealing of it with the municipality and the Provincial Planning Office, and then possibly the Provincial Planning Board.

Q Yes, so that it was handled then by persuading, first the municipality and then the Provincial Planning Board, of the merits of the applicant's case without necessity of changing the regulations, was this how it was done?

A I would believe that -

MR. CLEMENT: Sir, again, this witness is being asked to speculate on decisions and activities of bodies to which he does not belong and on which he did not attend, and I think it is perhaps not fair to press him on this sort of thing. There will be a witness from the Provincial Planning Board called.

Q MR. WRIGHT: Yes, well, certainly I don't want to flag your answers out of you which you cannot give, but it was all thrown back into your lap a couple of years later, wasn't it?

3-B-9

R. N. Giffen - Wright Ex.

A Yes, we then were faced with an accomplished fact, that Campbelltown was going ahead.

Q And my question merely is: did you at that time notice how it was that they got where they did get?

A I believe it was through the normal channels of subdivision approval.

Q The application signed by Mr. Holloway that we have mentioned earlier, Exhibit 169, was then in effect never, or rather this was approved by the Planning Commission then, as a result of their resolution of September 1953?

A There is a bit of a complication here in that you are dealing with an application for subdivision. However, the approval given in, on the 9th of September was for the townsite development.

Q Yes, yes?

A The application for subdivision and the design of subdivision and the design of the townsite was something which required work to be done by the Regional Planning staff, and there were further approvals given at a later date. It was the principle of the townsite development which was approved in September.

Q Yes. When it came to sign the plan which ultimately went into effect in Sherwood Park as it ultimately became, was there difficulty that you are aware of, and again I am not asking you for anything that you are just guessing at or speculating, between the applicant and the Provincial Planner when it came to signing that plan?

3-B-10

R. N. Giffen - Wright Ex.
- Friedman Ex.

A I have no knowledge of that.

Q Did a Provincial Planner resign at about that time, that is to say the year 1954-55?

A I don't know.

Q Who was the Provincial Planner at that time?

A Mr. Lash.

Q And he was succeeded by Mr. Rookwood, was he?

A Yes.

Q You don't know when that was roughly?

A I am only going by memory, I may be proven wrong, it seems to me it was in the '56 or '57 area.

Q Thank you very much.

THE COMMISSIONER: Mr. Maynard?

MR. CLEMENT: Just a moment, sir. It may be that Mr. Friedman would like to cross-examine.

THE COMMISSIONER: Yes, Mr. Friedman, have you some questions?

MR. FRIEDMAN EXAMINES THE WITNESS:

Q MR. FRIEDMAN: Yes, Mr. Commissioner.

Mr. Giffen, following the approval for the townsite in September 1953, my reading of the Edmonton Journal of that time indicates that there was a protest lodged by the Town of Jasper Place; are you aware of this?

A I have become aware of my lack of doing my homework, yes.

Q And the Town of Jasper Place asked the Edmonton District Planning Commission to reconsider their approval for the establishment of the townsite?

3-B-11

R. N. Giffen - Friedman Ex.

A That's right.

Q Would you please turn to the Minutes of December 3rd, 1953 of the Edmonton District Planning Commission?

A December 2nd, 1953, under "Item 2, Business arising out of the Minutes. (a) A reconsideration of proposed development for Section 27,52,23 West of the 4th. Letters from the Towns of Beverly and Jasper Place in this connection. The Chairman mentioned that letters had been received from the Towns of Beverly and Jasper Place in this connection, and as both were similar in tenure he suggested that they be taken together. The Secretary then read the following correspondence from these Towns. The Beverly letter ..."

Q Perhaps we could abbreviate this: was there a motion presented to the Commission as a result of the correspondence?

A Yes, there was a motion, called for the reconsideration of the decision made on September 9th. It seems to be sort of tied into the whole matter but the final, after some further discussion the Chairman called for a vote by a show of hands on the basis of the motion to reconsider, which resulted in seven votes in favor of the motion and with eight opposed.

Q So that the motion was defeated?

A That is correct.

Q Is the vote recorded?

A Yes, it is.

Q Would you please read for the Commissioner those people

3-B-12

R. N. Giffen - Friedman Ex.

Q (cont.) voting and how they voted?

A Mr. Lash, for; Mr. Holloway, opposed; Mr. Swan, for; Mr. Zeiner, opposed; Mr. Walker, opposed; Mr. Evjen, opposed; Mr. Moyer, opposed; Mr. Payne, for; Mr. Rocque, opposed; Mr. Barnes, for; Mr. Schraeder, opposed; Mr. Veness, for; Mrs. C. R. Wood, for; Mr. Jones, for; Mr. Mitchell, opposed: seven in favor, eight opposed.

Q Mr. Giffen, do your Minutes indicate who these various persons represented?

A Yes.

Q Will you please tell us?

A Mr. Lash, Municipal Affairs; Mr. Holloway, Provincial Government; Mr. Swan, Department of Education; Mr. Zeiner, the M.D. of Leduc; Mr. Walker, the M.D. of Morinville; Mr. Evjen, the M.D. of Stony Plain; Mr. Moyer, the M.D. of Strathcona; Mr. Payne, the Town of Beverly. I should indicate that Mr. Thompson from the Town of Devon had requested to be excused before this vote was taken so that he was not there. Mr. Rocque, Town of Fort Saskatchewan; Mr. Barnes, Town of Jasper Place; Mr. Schraider, Town of Leduc; Mr. Veness, Town of St. Albert, Mrs. C. R. Wood, Town of Stony Plain.

Q And was that the Mrs. C. R. Wood who was an M.L.A.?

A Yes.

Q So that of those voting in favor of the reconsideration there was Mrs. Wood, who was well known as a Social Credit M.L.A.; Mr. J. F. Swan, who is a representative of the

3-B-13

R. N. Giffen - Friedman Ex.
- Maynard Ex.

Q (cont.) Department of Education; and Mr. Owen T. Jones, who was a representative of the Department of Highways?

A Yes, and Mr. H. N. Lash also.

Q Who was an employee of the Provincial Government?

A Yes.

MR. WRIGHT: And Mr. Holloway.

MR. FRIEDMAN: Thank you.

THE COMMISSIONER: Mr. Maynard.

MR. MAYNARD EXAMINES THE WITNESS:

Q Just to complete this, Mr. Holloway voted against this particular motion?

A He voted against reconsideration.

Q Yes?

A Yes.

Q And was he a Civil Servant at the time?

A Yes, to my knowledge, I would say yes, he was representing the Provincial Government.

Q Mr. Giffen, can I bring you back to the motion of September 9th, 1953; there were three members who voted against, I am sorry, there were three Civil Servants present at this meeting when the crucial vote was taken of September 9th, 1953 out of a total of fifteen members?

A Yes.

Q Could you tell us who these various particular members represented who were Civil Servants and who the others were?

A Well, I have already, I have just gone through the list.

MR. FRIEDMAN: This was for December 2nd.

3-B-14

R. N. Giffen - Maynard Ex.

Q MR. MAYNARD: I am interested, I am not interested in the names particularly except as, I would like to identify who they represented, and, I am sorry, did you say you had already put this on the record this morning?

A I didn't put this particular point you refer to on the record.

Q Just who they represented I would like?

A All right. Mr. Soetaert, the Town of Morinville; Mr. Holloway, the Provincial Government; Mr. Swan, Department of Education; Mr. A. W. Miller, City of Edmonton; Mr. R. W. Putnam, Department of Agriculture; Mr. A. E. Zeiner, the M. D. of Leduc; S. M. Walker, M. D. of Morinville; Mr. Evjen, M. D. of Stony Plain; Mr. Moyer, M. D. of Strathcona; Mr. Payne, Town of Beverly; Mr. Thompson, Town of Devon; Mr. Rocque, Town of Fort Saskatchewan; Mr. Barnes, Town of Jasper Place; Mr. Gaites, Town of Leduc; Mr. Lafranchise, Town of -

Q Just hold it for a moment. I think you indicated that Mr. Moyer is one who had made this motion for reconsideration?

A Yes, he made a notice of motion in the August meeting.

Q And can you tell us who seconded the notice of motion?

A A notice of motion, it does not seem that it requires a seconder, this was a notice of motion coming from one of the municipalities, and as such -

Q I am advised, Mr. Giffen, that you did not indicate who the last person you named was for?

3-B-15

R. N. Giffen - Maynard Ex.

A Oh, St. Albert.

Q St. Albert?

A Yes.

Q Yes?

A On the August 5th meeting, I think I have to, first of all when they were dealing with Section 27 Mr. Moyer moved and Mr. Payne seconded that the Holloway report be received by the Commission on the August the 5th meeting; and then Mr. Moyer made the following notice of motion for presentation at the next regular Commission meeting:

"That the development proposed for Section 27,52,23 West of the 4th and vicinity by Mr. Campbell be approved by the Commission."

This was seconded by Mr. Holloway.

Q Seconded by Mr. Holloway?

A Yes.

Q Now, the new plan or revised plan that was finally approved for Campbelltown by the Provincial Planning Board, was this plan ever submitted to the Edmonton District Planning Commission?

A No.

Q What was the final plan that was considered by the Edmonton District Planning Commission before Strathcona withdrew?

A The so-called Count's Plan.

Q And what action was taken on that particular plan by the Edmonton District Planning Commission?

A Nothing was done, because, as I recall from reading in the

3-B-16

R. N. Giffen - Maynard Ex.

A (cont.) Minutes of, I think a special meeting in August after Strathcona had withdrawn, that the, it was mentioned that we had no more concern with this application because we were no longer approving authority for Strathcona.

Q There was never a vote taken on this plan at anytime by the Edmonton District Planning Commission?

A No, not on the one that caused Strathcona to leave the Commission, there was never a vote taken; and it was left as being not a matter which was under the purview of the District Planning Commission because Strathcona was no longer a member.

Q Yes, but had this plan been submitted to the Edmonton District Planning Commission before Strathcona left?

A Yes, on August 9th, this is what precipitated all of the -

Q And no action was taken of any kind by the Edmonton District Planning Commission?

A Action was taken, they had an Executive meeting on the 13th, they had a special Commission meeting on the 16th; at that time the Commission was ready to deal with the plan. However, because the, of, I beg your pardon, August 24th; August 16th was the date that Strathcona had withdrawn from the Commission, but as at the special meeting of August 24th was called specifically to deal with this new plan, but because Strathcona was no longer a member of the Commission there was no further action taken but the Commission had been dealing with it and they had received, first received the plan on August 9th.

3-B-17

R. N. Giffen - Maynard Ex.

Q When a plan, a subdivision plan, is approved by the Edmonton District Planning Commission must it necessarily go then to the Provincial body?

A All plans -

Q A subdivision, a plan of subdivision?

A Yes, all plans, that was just hesitation.

Q Oh, I am sorry.

A All plans must be stamped "approved" by the Director of Planning for the Province, and therefore it goes to the Provincial Planning Office.

Q And what is the procedure that is usually followed to get these plans to the Provincial body?

A The approval of the municipality, the approval of the Commission, and then forwarding to the, by the Commission to the Provincial body.

3-M-1

R N. Giffen - Maynard Ex.

Q That's the point: by the Commission, the Edmonton and District Planning Commission, to the Provincial body?

A That's right.

Q Not by the applicant?

A No.

Q Now, there is reference in some of these minutes about the information you obtained from the Department of Municipal Affairs - I'm sorry - Department of Economic Affairs. Was there ever any approach made by the Edmonton and District Planning Commission to obtain further information from the Department of Economic Affairs?

A I can only answer this generally and say that the Edmonton District Planning Commission staff was constantly in contact with all departments of Government in obtaining information.

Q There was no particular request made in writing at any time for any specific information?

A There is nothing on record.

Q Nothing on the record. When plans are submitted to the Edmonton District Planning Commission, what is the practice in the event that the plan might be acceptable in principle, but there might be some defects in the plans?

A The practice generally is to - I think possibly if I could just indicate the procedure followed -.

Q That's right.

A When an application is made, is received by the staff of the Commission, the staff forwards the application to the municipality so that the municipality may recommend on the

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A (Cont.) application for subdivision. If the municipality recommends in favour -. I also should have indicated the staff will have examined the plan to determine whether there are any conflicts with the subdivision regulations, the Provincial subdivision regulations, and will have indicated this to the municipality involved. If the municipality approves the application, whether it agrees with their regulations or whether there is some need for some relaxation of regulations, they so note on their recommendation of approval. It comes back to the Commission staff, and if it is in accord with the subdivision regulations and in accord with the Commission policy, then the staff may give an approval to the subdivision.

However, if it is not in accord with Commission policy, of the subdivision regulations, it is taken to the Commission itself to be considered by the members of the Commission as to what they desire to do with the application. The Commission may then examine the application, and if they so desire they may make a recommendation to the Provincial Planning Board. Now, I'm taking about present day. I can't relate the change in the regulations.

They may request that a particular application for subdivision be given consideration for relaxation of the regulations in this particular case; but if it does agree with the subdivision regulations, then the Commission would approve it and forward it to the applicant, and he would then do the - have his surveyor do the survey and submit the

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A (Cont.) final plans, which would be forwarded after being stamped by the Commission to the Provincial office.

Q Now, that is the general procedure?

A Yes.

Q Now, let us take the case where the Edmonton District Planning Commission staff feel that the plans should be modified in some respect, and that as a whole, in principle, they are satisfactory. Does the staff under those circumstances only suggest modifications to the planner or developer or would it actually prepare some modification by itself?

A In order to present a modification it would be - have - there would have to be some work done to indicate how the change might be made. It is not necessary, or desirable, that the staff do a full job of work for the surveyor on this plan of subdivision. It is a matter that if there are discrepancies in his proposal, that the staff point them out to him and possibly indicate where they are wrong, and he resubmits on the basis of an amended plan.

Q Yes, the staff would give direction or make some suggestions, and the surveyor himself would make the necessary required changes. You mentioned something about the budget for the Edmonton District Planning Commission. What percentage of the total budget is paid by the Provincial Government?

A You want today or then?

Q In 1953.

A Fifty percent.

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Q Fifty percent, and today?

A Sixty percent.

Q Sixty percent. The Government is getting more generous.

You mentioned a discussion you had with Mr. Hawkins concerning the evidence given by Mr. Kaplain in relation to an application for a subdivision for his farm. You had some discussion recently with Mr. Hawkins on this?

A Yes.

Q When was the discussion?

A When something like this comes up I am in almost daily contact with Mr. Hawkins in dealing with matters which concern the Commission and the County of Strathcona. It was a matter of interest and I commented on the fact it was noted that he had given a "no" answer to an application - or an inquiry as to subdivision, and Mr. Hawkins indicated that he had no knowledge or at least he couldn't recall whether he had or had not.

Q Whether he had had an application - well, it wasn't an application - a discussion?

A An inquiry, yes.

Q An inquiry from Mr. Kaplain?

A Yes, and as I mentioned earlier that I felt it's quite possible after sixteen or seventeen years that you wouldn't recall a five minute contact over a counter -.

Q I was interested as to whether this was a recent discussion you had with Mr. Hawkins, or a discussion some years ago.

A As late as yesterday possibly - yesterday.

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Q Now, when an application is made -. I take it, Mr. Giffen that you are familiar with applications being made for developments by developers and promoters and so on?

A Yes.

Q You have had lots of experience with them?

A A fair amount. There has been a tendency to sort of get them tangled, one with the other, subdivision and -.

Q Again I'm just discussing general policies and practices on the part of the Commission. When an application is made, I understand that it is necessary for the applicant to show on the application the name of every registered owner of the parcels involved in the application.

A This applies to application for subdivision.

Q For subdivision, yes; and where you have such an application, the Commission is not interested in encumbrances that might exist against the title.

A No, I would say not. This is something that would have to be ironed out by the applicant.

Q So that if a person sold a piece of land under an agreement for sale, and someone else filed a caveat, you would still insist on having on the application the name of the registered owner and not the purchaser?

A This is the regulations of the Government. It is necessary under the Surveys and Expropriation Act and the subdivision regulations that the owner's name be there - at least it was at that time.

Q Oh, I'm not quarrelling with the regulations; I'm just

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Q (Cont.) trying to ascertain what the requirements or what the practice is. And in addition to that, if an applicant has - is making an application as a result of only options having been obtained on land, he still must show the name of the registered owner?

A Yes.

Q And have you any way of knowing whether the applicant is in fact a purchaser under an agreement for sale, or an option holder?

A Not unless we took the trouble to go to the Land Titles and find out if there is anything against the title, and we don't normally do this - in fact, we wouldn't do it.

Q You don't normally do so. Now, you have told us that in 1951 you were not connected with the Edmonton District Planning Commission.

A That's right.

Q Do you know through looking over the records if there was ever any attempt to ascertain whether Mr. Campbell was making this application on behalf of the registered owners of the land, or on behalf of himself personally, or on behalf of someone else?

A I believe in just recalling some of the Plotkin Report, there may have been - there was an examination as to - to determine who were the owners of the quarter sections. There was a small map at the back of that exhibit - I don't know what number it is - which states the ownership; but beyond that I don't know of any - there's nothing in the records to show

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A (Cont.) that there was any question raised as to whether Mr. Campbell was the developer or was he acting for somebody.

Q Now, this map at the back of the application that you refer to, will show the names of the registered owners of the property?

A Yes, as nearly as I can determine this was - Mr. Plotkin had obtained it from Land Titles.

Q Yes, and there is nothing in Mr. Plotkin's Report or anything else to indicate whether any of the registered owners had sold any of their property to anybody else at the time?

A Well, I'm not that conversant with that report.

Q Well, as a matter of fact, Mr. Plotkins was not interested, would not be interested in that particular aspect, would he?

A No.

Q Because the regulations did not require him to go behind, beyond the registered title owner.

A His concern would be in the actual development proposed. As to the mechanics, as to how the land was obtained, it would not be of particular interest except to make sure that the owner of the land was aware that this was going on with his property.

Q And in actual practice, when a subdivision plan is finally approved for a developer, it is necessary for the owner of the land, the registered owner of the land, to sign the plan?

A Yes, this is a necessity, I believe, under the Land Titles Act.

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Q And that is the case whether the owner of the land may have sold his property under an agreement for sale?

A If it's still in his title he must sign it. He must be - at least agree that the plan could be registered.

Q And in actual fact the purchaser of the property under an agreement for sale is not required to sign such a subdivision plan for registration purposes?

A No, it is the owner who signs.

Q Right, but of course if the owner signed without the approval of the person to whom he sold the property, there might be some other difficulties that might be involved. Now, do you know if - how many people were involved in this particular application, as registered owners?

A It seems to me it was three as registered owners - that - I - Smeltzer and Hunter and Hooke, I believe - under the application for subdivision which was made in '53.

Q There was a whole section in the application, was there?

A Yes, Section 27.

Q Where is -.

MR. CLEMENT: 169.

A A. J. Hooke, the southwest quarter; Hunter Brothers, the southeast quarter; F. A. Smeltzer, the north half.

Q MR. MAYNARD: Of course, Mr. Giffen, if any land involved had been subdivided previously into small holdings, and the title not registered, this would not show on this application either?

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A The application is made on behalf of the owners of the property involved.

Q The registered owners?

A Yes.

Q Only. You mentioned sometime ago that the act was changed - I think it was in 1953 - to provide that the representatives of the municipal organizations on the Edmonton District Planning Commission should be elected representatives.

A Yes, this was my understanding. I would have to check it out to be absolutely certain, but I believe at around that time was when they changed to the elected representatives of the municipalities.

Q And, of course, if it were in 1953 it would be in the spring session of 1953?

A Yes.

Q And before this change in the act, the municipal organizations could appoint anyone to represent them?

A Yes; for example, the City of Edmonton had Mr. Dant as their representative.

Q Yes, but following the change in the act it was necessary for an elected representative to be on this -.

A On the Commission.

Q - Commission.

A Yes.

Q You are not positive as to the date of the change in the act?

A No, I'm not. I would have to check it out.

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R. N. Giffen - Maynard Ex.

Q Well, that can be ascertained. Was an Order in Council actually passed, Mr. Giffen, for the approval of the subdivision of Campbelltown - or the townsite?

A I don't know.

Q You have no knowledge of it?

A No. This was at a later date while Strathcona was not a member of the Commission.

Q I'm sorry?

A This was at a later date - that is, if you are talking as to terms of the subdivision.

Q Yes, the subdivision.

A This was at a later date during the time when Strathcona was not a member of the Commission.

Q That's right. You have no knowledge of any Order in Council?

A I have no definite knowledge on it. I wouldn't want to -.

MR. CLEMENT: It maybe that Mr. Maynard has in mind the reference to an Order in Council dealing with the withdrawal of the municipality from the Commission.

MR. MAYNARD: No, no. My friends raised the question as to whether the regulations were waived or the change modified -.

THE COMMISSIONER: The only reference to an Order in Council that I recall is the ~~one~~ that Mr. Clement recalled, and that is the Order in Council by which the withdrawal of the Municipal District of Strathcona was approved.

MR. MAYNARD: That is right, but there had been

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MR. MAYNARD: (Cont.) some question raised as to whether the modifications in the regulations to allow Campbelltown to go ahead had been done by Order in Council or some other means, and I was just trying to clarify if possible whether an Order in Council had in fact been passed.

THE COMMISSIONER: Yes - well, I think it's quite proper, if he has it within his knowledge, to ask him to answer that.

MR. CLEMENT: Yes, it would be quite proper.

Q Then -.

A Mr. Maynard, I would like to state that previously I said I assumed that it went through the normal process of subdivision approval.

Q I remember you stating that, but I also wanted to know whether you in fact knew of any Order in Council that had been passed.

A No.

Q Now, just one further point: you have had experience with Campbelltown, of course, since it has been -.

A Yes.

Q Under the name of Sherwood Park, of course.

A Yes.

Q And in the actual construction of Sherwood Park as it exists at the present, as it actually developed, was there much of a conflict with the regulations that existed in 1953?

A I would have to examine it, but I would say that as far as the design and subdivision is concerned, that the modifica-

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R. N. Giffen - Maynard Ex.

A (Cont.) tions that were made and the final plan that was passed would likely parallel the subdivision regulations at that time. It doesn't seem to me, in my working with Sherwood Park that there is any discrepancy or problem that has been created by this type of development. Again, I'm saying that I would have to go into detail on it. I'm saying that the plan which was presented in '53, which resulted in the blow-up - that is, the withdrawal of Strathcona - was not the plan which was finally approved - in 1955, I think; and this plan, I would say, in terms of the modifications that have been done - or, at least, the plan that came in and further modifications on the overall design which were done after Strathcona came back into the Commission, there was revision of Sherwood Park, that I don't believe as of now the development in Sherwood Park is that - it does not conflict with subdivision regulations either then or now.

Q Well, you anticipated the second part of my question, and I appreciate the explanation you have given me as far as you can go, but I am interested and call attention again to what you have said, that even the 1953 plan that was submitted was subsequently further modified?

A It was thrown out, as I understand it. There was a new plan presented subsequent to that. The '53 plan was not carried forward.

Q What happened to the '53 plan? Thrown out by whom and at what stage?

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R. N. Giffen - Maynard Ex.

A It was after the withdrawal of Strathcona, and I believe it would be the developer who would decide that.

Q You would not know if the Provincial Planning Board itself had thrown it out?

A No, I don't know.

Q It could have been? Never mind - that can be ascertained elsewhere.

A Yes.

Q But the important fact is that there were modifications and changes to the '53 plan, which did subsequently meet the regulations as they stood in 1953, as far as you can recall?

A I would have to say that the plan of '53, which was the second plan, to my knowledge was not revised, it was not modified, it was replaced by a plan which was finally approved in 1955.

Q Well, let's take the '55 plan for just a minute. Did the '55 plan make provisions for lanes?

A No.

Q Did it make provisions for drainage?

A No.

Q And these were the two main problems with the '53 plan?

A No, I don't think they were the two main problems with that plan. The situation, I think, Mr. Maynard, must be this: that it was never decided that the plan was not acceptable to the Commission. The Commission never had the opportunity to make a decision on that plan, and the points raised were raised by the Director and were to be considered by the

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A (Cont.) Commission; but Strathcona left the Commission and therefore nothing was ever done with that plan by the Commission; so I cannot say whether in my view, whether the two points you have mentioned were the important things which were the things that were wrong with that plan.

Q Can I take you back to the first plan? Was one of the objections to the first plan the fact that there were no lanes provided? Plotkin's Report, I believe, indicates something like that?

A Yes - I'm afraid I can't answer that without a further examination of the plan. My understanding on the first plan which was presented, that the Commission staff worked on that and revised it to bring it into conformance with the then regulations.

Q To make provision for lanes?and for drainage?

A I'm not able to answer that.

Q Well, I don't know what document it is, Mr. Giffen - you may be able to help me - but I recall at some stage my friends called attention, called attention to it - there was some opposition to the proposed development of Campbelltown, not only in connection with the location, but also in connection with the proposal itself, and that there were several features in the proposal that were at variation with the regulations.

A No, I would say that - I think I know what you are referring to: I think you are referring to the satellite concept, that

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A (Cont.) is, the satellite town concept. If you are talking about the proposal itself, talking about it being so far from the mother city and having a balanced economic base, et cetera, et cetera - which are the principles of satellite development - which was pointed out were not met by this location.

Q That is right, that is right, and keeping that in mind, and the objections that have been raised, and with your present knowledge of the operation of - not Campbelltown --

MR. CLEMENT: Sherwood.

Q MR. MAYNARD: - Sherwood Park - does Sherwood Park now meet the requirements of the regulations?

A It doesn't meet the requirements of the concept of a satellite town as expounded in '53. It is a dormitory type of development, which is fairly predominantly residential, with some commercial which relates to the providing of goods and services to the people there.

Q Right. Have you had any complaints from the residents of Sherwood Park?

A No.

Q And the people are quite satisfied with the type of development they have in Sherwood Park, generally speaking?

A I have not had any complaints. The municipality possibly may have some, but I think this is normal; but I am saying that people are buying houses out there - living out there.

Q Fine, thank you, Mr. Giffen.

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R. N. Giffen - Maynard Ex.

THE COMMISSIONER: Mr. Giffen, could you clarify a point for me: is there any distinction between the names "Campbelltown" and "Sherwood Park"? Are they interchangeable?

A Yes, it is a progression - that is, in order to beef-up the sale of lots, I presume, I think there was some type of this Sherwood Park idea, which was tied in with Robin Hood and all his Merry Men - was used as a sales gimmick by the progression of, shall we say, of the actual developers of the houses, et cetera, and I think that this is what happened to it. It started out as Campbelltown, and then it moved from there into being considered as Sherwood Park.

THE COMMISSIONER: And it refers to the same development?

A Same development.

THE COMMISSIONER: Mr. Clement?

MR. CLEMENT: I have no further questions, sir.

THE COMMISSIONER: Would you gentlemen like to have Mr. Giffen back here tomorrow morning?

SEVERAL COUNSEL: No, thank you.

THE COMMISSIONER: Well, Mr. Giffen, you are released.

A Thank you.

THE COMMISSIONER: But you - if you are required again, of course, you will be contacted.

A Yes.

THE COMMISSIONER: But it doesn't appear at this time as if there will be any call.

MR. CLEMENT: Thank you, My Lord.

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(Witness retires.)

THE COMMISSIONER:

We will adjourn then, gentlemen,
to tomorrow morning at nine o'clock.

(The Hearing stood adjourned

at 9:00 o'clock September

14th, A.D., 1967)

